

COUNCIL MEETING

APRIL 10, 2013

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Lihu'e, Kaua'i, on Wednesday, April 10, 2013 at 9:12 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

APPROVAL OF AGENDA.

Mr. Bynum moved for approval of the agenda as circulated, seconded by Ms. Nakamura, and unanimously carried.

MINUTES of the following meetings of the Council:

February 27, 2013 Council Meeting
March 13, 2013 Public Hearing re: Bill No. 2465

Ms. Nakamura moved to approve the Minutes as circulated, seconded by Mr. Rapozo, and unanimously carried.

CONSENT CALENDAR:

C 2013-148 Communication (03/21/2013) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Angela M. Anderson to the Planning Commission of the County of Kaua'i (*Environmental*) – Term ending 12/31/2013: Ms. Nakamura moved to receive C 2013-148 for the record, seconded by Mr. Bynum, and unanimously carried.

C 2013-149 Communication (03/27/2013) from Council Vice Chair Nakamura, providing written disclosure of a possible conflict of interest and recusal, relating to Agenda Items C 2013-118 and Resolution No. 2013-44, Authorizing The Filing Of The Kaua'i County 2013 Action Plan (HOME Investment Partnerships Program) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title II Of The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended, as her husband's law firm will be performing work on one of the proposed projects: Ms. Nakamura moved to receive C 2013-149 for the record, seconded by Mr. Bynum, and unanimously carried.

C 2013-150 Communication (03/28/2013) from Council Vice Chair Nakamura, providing written disclosure of a possible conflict of interest and recusal, relating to any and all Budget matters regarding the Office of Boards and Commissions, due to her husband's law firm's work with this Office: Ms. Nakamura moved to receive C 2013-150 for the record, seconded by Mr. Bynum, and unanimously carried.

Chair Furfaro: We have some specific times we need to follow through on dealing with five (5) Executive Sessions and one (1) that specifically needs to happen at 3:00 p.m. We also have a need to review a legal agreement before 12:00 p.m. today on the Westside Police Station arrangements for a partnership with the Kaua'i Police Department and an appropriation as well, of two hundred ten thousand dollars (\$210,000) dealing with old Waimea Dispensary. Those are the times we need to pay attention today. Thank you for giving me a moment to think through that. We will go to Communications. The first one on the Communications deals with the Engineering Department. I would like to knock off both of the engineering discussion items today since I see them all present. Let us start with C 2013-101 from the County Engineer.

COMMUNICATIONS:

C 2013-101 Communication (01/12/2013) from the County Engineer, requesting agenda time to discuss the temporary closure of 'Eiwa Street at the Rice Street intersection starting in late March or early April 2013 to provide additional parking during the construction of the Līhu'e Civic Center Site, Americans with Disabilities Act (ADA) Improvements Project.

Chair Furfaro: Gentlemen, I am going to repeat it for you. I want to handle the two (2) engineering items this morning while you are here. That would also include not only C 2013-101, but also C 2013-156. Let us start with C 2013-101. Do you have a presentation for us?

There being no objections, the rules were suspended.

DOUGLAS HAIGH, Chief of Buildings: That is correct. Okay. Thank you, Chair. Douglas Haigh, Department of Public Works, Building Division. Good morning. I would like to give a brief presentation on the "Temporary closure of 'Eiwa Street to Through Traffic." This is a project we are moving forward with and I will start with the presentation. The reasons for the temporary closure of 'Eiwa Street is because we are about to start the Līhu'e Civic Center Americans with Disabilities Act (ADA) Site Improvements Project. That work is going to include redoing modifications to the parking area in front of the Rice Street side of the Mō'iheha Building and the Pi'ikoi Building. We will be temporarily losing some of our parking there. By temporarily closing 'Eiwa Street to through traffic, we will be able to provide additional parking along 'Eiwa Street to compensate for that lost parking. That is the primarily reason why we want to do this. This will also give us an opportunity to evaluate the impact if we do permanently close 'Eiwa Street. The Līhu'e Civic Center Site Master Plan, that is one of the actions in that plan. We came to Council many years ago for Resolution to close the 'Eiwa Street. At that point, there were concerns and primarily concerns of the food market and access to their loading dock area was one of the main concerns that came forward at that time. Of course, that condition has changed. At that time because of that situation, we said, "Okay, we will wait until the very end of the site improvements and look at moving the closure of 'Eiwa Street towards the end of the overall project." With the

change of the food market closing, it may be something that we want to move more towards the beginning of the Līhu'e Civic Center Site. We may be coming back later for a permanent closure to through traffic and further parking lot changes. That is one of the reasons.

Also, we want to try out—and this is a partnership between Public Works and the Planning Department for alternative uses for the area in between the Kaua'i Museum and the County Building lawn. Peter Nakamura from the Planning Department is here, and he can give you a couple of the concepts that Planning is looking at.

PETER A. NAKAMURA, Planner VII: Council Chair, Councilmembers. Peter Nakamura from the Planning Department. What Doug has spoken about is the potential to use this opportunity at the closure of 'Eiwa Street for something beyond just closing 'Eiwa Street in parking, but in line with what is in both of the Civic Center Master Plan and the Līhu'e Town Core Urban Design Plan, both of those took into account the potential closure of 'Eiwa Street. Particularly in the Civic Center Master Plan, I think the vision that is given as to why 'Eiwa Street should be closed was to expand the County lawn area and the park and kind of make that of a continuous, open green area and civic use area between the Kaua'i Museum and the great lawn. That will kind of expand that use to provide more opportunities for the public to use that space and bring more civic life into the Civic Center. It is partly of the alternative usage besides looking just at parks. One of the more current kinds of discussions that have been going on with different Planning Departments within different town cores is the use of these areas for something that is a little bit more active than just a passive picnic space. There is a movement called "Parklet Movement" where they start to inject a little bit more of use into the space, but not so much an active or athletic use, but we have seen things such as people setting up large-scale chess boards in these park areas. It is just to draw people in. Potentially, the closure of 'Eiwa Street down the road allows us to look at some of these alternatives and not just the—what Doug would be looking for, I guess would be just the change in the traffic flow in the area but also to try to make sure that we use that opportunity to try to revitalize some of the core social life in the Core.

Mr. Haigh: Thank you, Peter. For the Scope of Work, we will be submitting a Traffic Resolution to the County Council for approval. That document is being routed for signature within the Administration, and that is part of our public outreach. We also are doing additional public outreach besides just the Traffic Resolution. We met with the Kaua'i Museum Board, Monday night, and reviewed the closure of 'Eiwa Street and the Līhu'e Civic Center Site improvements with them and discussed the project with them. We are also scheduled to be part of the Līhu'e Business Association at an April meeting. I believe it is April 25th. We will be joining the Department of Transportation, Highways, in meeting with Līhu'e Business Association. We will be presenting the temporary closure of 'Eiwa Street to them. That is part of the public outreach we are doing. We will be installing barricades at 'Eiwa/Rice Street intersection. We will be restriping 'Eiwa Street with additional parking and install the appropriate traffic control signage. This is just a preview of the Resolution to come. This here is showing the closure. Here are the barricades. Here is Rice Street. Here is 'Eiwa Street here. Here are the temporary barricades at the intersection, and we are also putting barricades here, kind of at the edge of the museum, creating this space for the potential active use that Peter was talking about. Then we are creating parking along here. The justification for why we need to close it and provide that parking is because this parking is not

appropriate for a through street, but it is appropriate for a parking lot. Basically, this is now becoming additional parking lot and not a through street. We are allowing passage so in the interim, certainly the first week or two (2), people are going to be following habits. They will turn on 'Eiwa Street and all of sudden they will be stopped but they can turn here in front of the County Building and get out by 'Umi, or they can enter the parking lot and either go back or find their way around. There is concern that we will have some additional traffic in our parking areas but we are hoping as people get used to the change, habits will change, and they will be using 'Umi Street more or using the highway as much and also not using 'Eiwa Street as a through street. We feel that this is going to make this intersection much safer during this time. We will probably have to put up some plastic delineators along here to make sure that people do not turn left and end up at the barricade while not being able to go anywhere. That is the basic plan.

While I am here, I just wanted to give you a little update on the Lihue Civic Center ADA Site Improvement Project Scope of Work. The primary purpose is to provide ADA accessibility but while we are going it, we want to include the Lihue Civic Center Site Master Plan components where feasible. We are moving forward but still—the key here for the accessibility is connectivity because right now, our Civic Center does not have pedestrian connectivity to Rice Street, Hardy Street, and 'Umi Street. There is no ADA accessible route from these streets to our Civic Center, so this is a long overdue project. We are happy to finally be doing it. The work will include sidewalks, curb ramps, ADA parking, and landscaping. As I mentioned, the parking area in front of Mō'ikeha Building and Pi'ikoi Building on the Rice Street side, one of the major parts of the project is that we are relocating the driveway entrance to line up with Kele Street across the street, so we are actually creating an intersection here. Because we are connecting our community over here to the Civic Center right now, the pedestrian connection between this busy community area is very difficult because you would have to go all the way back over to here to cross street or all the way to 'Eiwa. This is a major part of the improvements.

Ms. Yukimura:
and First Hawaiian Bank?

It connects the museum to the Post Office

Mr. Haigh: The museum will now have sidewalks so they can come here and use this crosswalk to connect because we do have this sidewalk connection. We are widening the sidewalks to eight (8) feet wide along Rice Street up to the museum property. We are changing the parking, adding a lot of landscaping, providing some additional ADA parking for appropriate access to the Pi'ikoi Building, and we are maintaining our ADA parking over here. Those are the improvements on that side. That is really the major part of this project, which is this parking lot. This is the parking lot where we are really moving it to the Lihue Civic Center Site Master Plan.

Ms. Yukimura:

Can you repeat that?

Mr. Haigh: We are moving forward with the concepts of the Lihue Civic Center Master Plan in this particular area. We are making a lot of improvements here. Another part of the project is the Hardy Street connectivity. We are connecting the bus stop and the crosswalk here, and then we are creating a pedestrian access to the Pi'ikoi Building. We are upgrading the ADA parking here and we will have some landscaping involved in that improvement also. Then on 'Umi Street, we are providing a new sidewalk from the Rice Street intersection to

come along our County lawn and to create the pedestrian connection to the Historic County Building and the annex. We will also have our connection back across the Department of Health. I would like to thank you for this opportunity to provide this information. If there are any further questions, I will be happy to respond.

Chair Furfaro: JoAnn, you have the floor.

Ms. Yukimura: Thank you. Doug, this Resolution says "establishing temporary closure." How long is temporary?

Mr. Haigh: We are anticipating for about six (6) months.

Ms. Yukimura: It says it will start "upon its approval and posting of appropriate signs and/or markings." When do you anticipate that this temporary closure will begin?

Mr. Haigh: In May.

Ms. Yukimura: Okay. So next month?

Mr. Haigh: Depending upon approval of the Resolution.

Ms. Yukimura: This crosswalk that you have by...you do not have numbers on your slides but it is entitled "Mō'ikeha and Pi'ikoi Building Parking." Could we put that up?

Mr. Haigh: This crosswalk right here?

Ms. Yukimura: Yes, thank you. That is a four (4) lane crossing, right?

Mr. Haigh: Correct.

Ms. Yukimura: The crosswalk where 'Umi is presently has this danger of the inner lane stops where you—but the outer lane does not know if a pedestrian is coming across, so there is some danger in that. How would you address it over here?

Mr. Haigh: There is another project that Public Works is working on in coordination with Planning, and hopefully that is going to be coming before you. We will have those improvements incorporated—it is basically a restriping of Rice Street, which will modify that four (4) lane condition. Actually, this crosswalk striping here is going to be part of that Rice Street project. That is a project that Public Works and Planning is working on, and they will be coming to you folks with a Traffic Resolution for the restriping of Rice Street. We are looking at a Complete Street striping to add bike lanes, turn lanes, and such.

Ms. Yukimura: Maybe Lyle can explain further?

LYLE TABATA, Deputy County Engineer: Lyle Tabata, Deputy County Engineer, for the record. In addition to this project, Public Works and Planning are working on a restriping of Rice Street which we will also be coming with a Traffic Resolution to convert Rice Street to three (3) lanes with a single center turning lane, unidirectional turning lane, two (2) through lanes, and bicycle lanes on both

sides of the street. In addition, we will be in line with the Līhu'e Town Core Plan taking all available parking off Rice Street, except for the turnout parking that presently exists. To accommodate for the removal of the on-street parking, in addition to—if can you go to 'Umi Street, Doug? On 'Umi Street, we are also looking at doing right sizing or some people call it a "road diet" of 'Umi Street where we will be installing additional reverse diagonal parking on the *makai* side of the street and also sizing the lanes to fit bicycle lanes also. We will be surrounded with the Hardy Street project with bicycle lanes on our streets, pretty much around the whole Civic Center area. The reverse diagonal parking will add additional parking. With working with Planning and Parks, we are also planning to open up additional parking down at the Convention Hall, and at least providing access to the Rice Street business area.

Ms. Yukimura: Thank you. What you are saying is that actually Rice Street is going to turn into three (3) lanes, instead of four (4).

Mr. Tabata: That is right.

Ms. Yukimura: Pretty much, you will only have one (1) lane going each way.

Mr. Tabata: That sort of addresses the problem of having two (2) lanes going one way, and then a pedestrian crossing with only one lane stopping.

Mr. Tabata: If we feel it is necessary, we would stripe and use those flexible bollards to create a pedestrian island in the middle of the street if we feel that it enhances the safety of the crosswalks.

Ms. Yukimura: Okay. From this diagram, it looks like the crosswalk is going to be marked. Is it going to be marked differently than our existing crosswalks? It looks so clear here.

Mr. Tabata: No. It is the same. Instead of going to the latter style, we are moving towards this. The latter style has borders perpendicular to the cross lines. We are just going with these cross lines.

Ms. Yukimura: Are the cross lines wider or more visible?

Mr. Tabata: We follow the Manual on Uniform Traffic Control Devices (MUTCD) standards.

Ms. Yukimura: I do not know what that is.

Mr. Tabata: We do not have it with us but the design that is placed on the road is based on a standard dimension.

Ms. Yukimura: My question is if it is more visible.

Mr. Tabata: We have choices and we have selected this choice. In addition, we recently completed the Kōloa crosswalk installation.

Ms. Yukimura: Yes, I saw that.

Mr. Tabata: If you want to take a ride down to Kōloa School, fronting the school we have the inroad lighted crosswalk. In addition, we put what is called a “rectangular rapid flashing beacon” sign on the other crosswalk which I have been told is a little more illuminating and able to be an attraction. We could look at installing signs like that in addition to our crosswalks in Līhu’e town.

Chair Furfaro: Okay. I am going to stop on that. We have a full day today. There are other Councilmembers who have questions. Your suggestion about using Kōloa as a reference is well taken. Councilmember Kagawa and then Mr. Rapozo.

Mr. Kagawa: Thank you, Mr. Chair. Is the closing and adding the parking all 80/20 matching or is it all County?

Mr. Haigh: Actually, we will be doing the closure with County forces. We will be using our workers to do all of the work for the temporary closure of ‘Eiwa Street.

Mr. Kagawa: But the 80/20 comes in later when we do the sidewalks?

Mr. Haigh: The 80/20 is the Hardy Street project.

Mr. Kagawa: Okay.

Mr. Haigh: That is a separate project that I have not mentioned today, which is ongoing in the same area. The Līhu’e Civic Center ADA Site Improvements is one hundred percent (100%) County Bond Funds.

Mr. Kagawa: Okay. In your presentation, you are using the rationale that this is a good project because it helps accessibility, which we do not have in the Civic Center area, but it is not going to be funded with any Federal moneys?

Mr. Haigh: That is correct.

Mr. Kagawa: This is actually the third time that I am hearing this presentation. I am trying to force myself to like it, but I do not. I think when the word gets out that this street is really going to close, I think we are all going to get tons of calls. I will tell you why. I think closing this street will encourage those coming down on Hardy to look that, “Oh, it is closed.” They will go straight down there, which is the worst left turn you can make down here; turning down on Hardy to the main highway. It is really bad. We are also going to force cars by closing ‘Eiwa to use ‘Umi. Going across from ‘Umi is horrible and making a left turn because there is a lot of cars going this way on Hardy on both ways, and there is always cars across from you with stop signs. I am just really worried about—furthermore, we are reducing Rice Street to three (3) lanes. That is in the plan.

Mr. Haigh: That is a separate project.

Mr. Kagawa: I really agree that is going to help on the sidewalk and pedestrian crossing. With one (1) less lane, of course it is safer. I really think if we want to address the safety issue, we need to think of an overpass

or something for the pedestrians to walk. I see Councilmember Hooser walking across all of the time. He can probably tell you that it takes a while and it is pretty spooky to actually cross this street because it is heavily used. I am really concerned about how this will affect our residents. I am seeing a lot of our projects that we have done with Federal moneys and State moneys like widening lanes by Kukui Grove and allowing more traffic to flow, and widening this lane going to Kapa'a. One the main highways, we are opening up lanes. In the County area, it is a congested area, busy town, center of Lihue. We are going to close a big artery and we are going to reduce the lanes on Rice Street. It is a "scratch your head" moment and I have been scratching my head for the third day. I am trying to like it but I do not. Anyway, that is all I have. Thank you.

Mr. Rapozo: Thank you. First, I just want a clarification. Rice Street is going to be two (2) lanes with a turning lane?

Mr. Haigh: Okay. Rice Street was not on the agenda and it is not this project. It is a separate project, but the plan is to have three (3) lanes where one (1) is a turning lane...

Mr. Rapozo: Right, so you have two (2) lanes of travel. If you are not turning, you are not using the turning lane. So you are reducing Rice to two (2) lanes?

Mr. Haigh: Correct.

Mr. Rapozo: I want to make sure the public understands that because Rice Street right now is a mess with four (4) lanes. I want to make sure we understand that it is not a three (3) lane, it is a two (2) lane. How many stalls are we going to lose and how many are we going to gain?

Mr. Haigh: The actual stalls lost during construction are hard to say because we have not finalized with the contractor of his plan. We still have not awarded the construction contract.

Mr. Rapozo: No, but based on your drawings here. These drawings are not actual?

Mr. Haigh: What it is, is this Mō'ikeha/Pi'ikoi Building parking; we are going to be constructing that in phases. During construction, only portions of that parking lot are going to be available for parking and portions of it will be closed for construction. That is why I say I cannot tell you exactly how many we are going to be out at a specific time because we are still going to coordinate with the contractor to make it the least painful as possible.

Mr. Rapozo: What is painful?

Mr. Haigh: Least painful.

Mr. Rapozo: It will be a net loss though?

Mr. Haigh: When we are done, we are losing some stalls at Mō'ikeha but I do not remember exactly how many.

Mr. Rapozo: Does anybody know how much?

Mr. Tabata: Actually, with the layout we presented there is a net gain. Our Transportation Planner kind of did the preliminary layout. He and I discussed that it will probably be a net gain with that additional on 'Eiwa.

Mr. Rapozo: Okay, because I heard you say that you are going to open up the Convention Hall which leaves me to think...

Mr. Tabata: That is for the other long term project that is not on the agenda.

Mr. Rapozo: Okay. As far as outreach, you said you folks were going to do outreach but this Resolution will be in effect when we pass it.

Mr. Haigh: That is correct.

Mr. Rapozo: There will be no outreach, aside from the Resolution.

Mr. Haigh: The Resolution is not on the agenda yet. What I mentioned is that we have already met with the museum board and we are meeting with the Līhu'e Business Association on April 25th. Probably, it will be on the agenda after April 25th.

Mr. Rapozo: There will be no more outreach to the community because granted the museum is going to be affected. Līhu'e Business—but the public.

Mr. Haigh: There is some additional outreach this weekend. Planning has an event. Did you want to discuss that, Peter?

Mr. Nakamura: I think what we are trying to do—Lyle mentioned that in working between, Public Works and our Transportation Planner has been doing a lot of shuttle work between Planning and Public Works. One of the things that we are doing this weekend, on Saturday, is having a community kickoff meeting to let people know that the Līhu'e Development Plan update is going to start. As part of that, there will be explanations, displays, and discussions about the circulation changes that Doug spoke about with Hardy Street, Rice Street, and looking at what we are going to be doing in that area. What we are hoping to do is get feedback from people, as well as getting the information out to them through that.

Mr. Rapozo: Has that been publicized?

Mr. Nakamura: Yes.

Mr. Rapozo: I have not seen it.

Mr. Nakamura: It has been publicized specifically for this or for the street improvements, but it is more—the publicity is...

Mr. Rapozo: Peter, when we do outreach we want to get specific because if the public reads this in the paper or whatever it is, they do not know what is being discussed and they do not show up. The people are going to be

affected. I think Ross touched on a very important subject about Hardy and 'Umi. We know that it is bad now. We are basically going to be reducing the route. You do not need to be an engineer to realize that it is going to put more traffic on those already troubled areas. I remember when we had that discussion years ago where there was supposed to be a roundabout and all of these things, but we are doing all of these things up front. It is going to put a horrific burden on the people.

Mr. Tabata: If I may add, Councilmember Rapozo, the key word is that this is "temporary" right now. Engineering has taken traffic counts in the various locations between Rice Street, Hardy, and 'Umi. We have collected this data. While we are in the temporary closure, we will be taking traffic counts again to compare. This is a test. The other part that is also accommodating for the ADA Site Improvements is also to gather data for us and to make the right decision in the end. I also wanted to add that with the Hardy Street improvements, the 'Umi/Hardy intersection turns into a roundabout.

Mr. Rapozo: Right, but where is that? What is the timetable on that?

Mr. Tabata: We just came through, I think in Committee for the Money Bill.

Mr. Rapozo: Yes, I know.

Mr. Tabata: When that is passed, we will be able to go out for procurement.

Mr. Haigh: Wait, there is a correction...

Chair Furfaro: Excuse me, let us have one person talking at a time. I am recognizing Mr. Rapozo for questions. Let us have one response. Do not broaden the expansion of the question.

Mr. Rapozo: Okay, Mr. Chair. I just have two (2) more brief questions. The first question is when is the Rice Street striping project scheduled?

Mr. Tabata: Right now, we are still working on it. We are preparing the Resolution.

Mr. Rapozo: Ballpark?

Mr. Tabata: End of August.

Mr. Rapozo: Okay. The last question is that once we temporarily close 'Eiwa and the improvements are made, will we be able to open up 'Eiwa again and have the same two (2) lane traffic?

Mr. Haigh: That is the intent at this point. It is temporary. We will open it up, especially since we are going to be proceeding with the Hardy Street improvements. Just a correction on that, we are in procurement for the Hardy Street project. It is very possible that construction could start as early as late this year. We want to finish the Civic Center improvements because we are probably going to want to open 'Eiwa back up temporarily, certainly during

the Hardy Street construction to kind of give a little relief to the Hardy Street situation. That plan is to reopen it upon completion of the Līhu'e Civic Center Site Improvements.

Mr. Rapozo: It is not going to affect the improvements that have been made on 'Eiwa?

Mr. Haigh: We would probably want to take away those stripes while—take away the parking while we open it through traffic.

Mr. Rapozo: Right. That is my concern because certain things that we do is very hard to undo. We are being told that it is temporary. I do not want you folks to come back and hear—if we open it, we are going to basically waste the money that we spent during the temporary period, and that is my concern. If it is temporary, then fine. If it is temporary and now we have to go permanent because of the cost that we have spent improving 'Eiwa; I do not want to be deceived like that. If this is temporary and the stalls on 'Eiwa are going to be temporary, and if it is a test to whatever it is; then fine, we can assess it. I would assume that you do not have any opposition to a public hearing for the Resolution.

Mr. Haigh: No.

Mr. Rapozo: Okay, thank you.

Ms. Nakamura: Can I see the slide that shows the 'Eiwa Street temporary closure. Sorry, I did not follow the explanation, Doug. I wanted to ask you; on the Hardy Street side, is that arrows going in and out?

Mr. Haigh: Yes. It is a two (2) way driveway entrance. Cars can still turn left off to Hardy Street into 'Eiwa. Cars leaving can turn right or left onto Hardy Street.

Ms. Nakamura: It is not a complete closure?

Mr. Haigh: No, it is a closure to through traffic.

Ms. Nakamura: I will be able to get to my parking lot the same way that I do now?

Mr. Haigh: Correct.

Ms. Nakamura: The only problem—the closure is on the Rice Street side only.

Mr. Haigh: That is correct.

Ms. Nakamura: All cars would be barred from going in and out from Rice Street?

Mr. Haigh: Correct.

Ms. Nakamura: Okay. The only closure is between the park area and Rice Street.

Mr. Haigh: Correct.

Ms. Nakamura: Okay. That clarifies a lot for me. At some point, the long term plan is not to have any parking once construction—in the long term Civic Center Improvement Plan?

Mr. Haigh: This area becomes a combination of landscaping and parking.

Ms. Nakamura: Landscaping and parking?

Mr. Haigh: Yes.

Ms. Nakamura: Would it be a narrower area or would it be the same right of way?

Mr. Haigh: The driveway will actually shift to line up with 'Akahi. The entrance into the parking lot will be here and this will be permanently closed across here. The final design of this parking area in here is kind of evolving because the plan actually calls for an underground parking structure here, which is something I do not believe we are going to finance within my lifetime working for the County. We will look for an interim solution where we will provide landscaping, similar like we did in the parking lot area in front of the Mō'ikeha/Pi'ikoi Building to provide a parking landscaped area. Part of what is going on here too, is with our Pi'ikoi Building changes and no longer having a food market there, it changes how we connect that to the Historic County Building and State building. There is a real opportunity for an interim solution before the underground parking.

Ms. Nakamura: Right. We have to clue you in about the recent discussions about the use of that space as well.

Mr. Haigh: Okay.

Ms. Nakamura: That whole area could be entirely reconfigured.

Mr. Haigh: Correct.

Ms. Nakamura: That would probably make sense. Okay, that is what I wanted to know. Thank you.

Chair Furfaro: Vice Chair, I want to piggyback on your question since this map is up. Doug, just real quickly.

Mr. Haigh: Yes, Sir.

Chair Furfaro: When we have this closure here near the beginning of the Historic County Building park lawn, the parking lot in front of the Historic County Building; people get down here at the end and they realize they are at a dead end. Is there any intent to do any temporary calming devices on the County parking? When people go, "I am in a bad spot," they do not rush through it because we have old timers coming out of this building. Is there any thought of speed tables in a temporary way?

Mr. Haigh: That has not been considered up to this point.

Chair Furfaro: Okay. Could you put it on the consideration list?

Mr. Haigh: Absolutely.

Chair Furfaro: Thank you. Mr. Bynum.

Mr. Bynum: I have been following this issue with interest since before I was on the Council. In fact, I did a presentation here and some Councilmembers might remember when Hardy Street improvements looked like they might have been delayed, we got back on track with that. There was traffic studies that said a number of these intersections as currently our level of service; "F." Do we recall which of those intersections are challenged by these standards?

Mr. Haigh: I do not remember them actually being an "F," but there were some challenging intersection, yes. Part of our continuing evolution in engineering and city streets; when we are working with the Complete Streets folks, they kind of tell us that the rating of intersections is not really the driving decision making thing. We are kind of in this change of concept between, "the car is the king and you want to move people as quickly as possible, as many cars possible," to where it is a Complete Street, and we want to have everybody being able to traverse safely while also being efficient.

Mr. Bynum: Okay. Let me reframe my question.

Mr. Haigh: Okay.

Mr. Bynum: We have a Līhu'e Town Core Plan. We have a Līhu'e Civic Center Plan. All of these changes are consistent with those plans, correct?

Mr. Haigh: That is correct...well, as I mentioned; our intent was to incorporate as much as feasible. What we are doing here is not part of those plans of 'Eiwa. This is an interim parking situation.

Mr. Bynum: I am not asking very good questions. I apologize. The ADA improvements you are doing are consistent with the plan?

Mr. Haigh: That is correct. It is one of the last outstanding items we have not done is part of our ADA transition commitment.

Mr. Bynum: Right. That is a requirement. The commitment to the Federal Government, right?

Mr. Haigh: There is actually a court case, I believe. It was not part of the Department of Justice. It was part of the other court case.

Mr. Bynum: My point is that the current traffic patterns are problematic. My last question is that my understanding is Rice Street was

designed to initially be four (4) lanes without parking. The parking was added by the Council subsequently. Is that correct? Is that your folks' memory?

Mr. Haigh: I was no involved it the project during that time. I am not sure. It sounds familiar but I cannot confirm.

Mr. Bynum: Well, I recall. In essence, Rice Street acts like an awkward two (2) lane street most of the time now because of the on street parking. I have seen studies that say a well designed two (2) lane road can move as much traffic as a four (4) lane road that is poorly designed. I think we need to make these changes because they are long overdue. It has always been a struggle of how we will sequence these things. Initially, the Council—there was a Resolution before Council to close 'Eiwa Street. The Council at the time—I remember Jimmy Tokioka led the discussion and said, "We support the Civic Center Plan. We are concerned about the traffic circulation but until you can realign and improve some of these other things, let us hold off on 'Eiwa." I am belaboring this. I am supportive of these plans. It will be awkward around here for a couple of years as we do these changes but when we are done, we are going to have improved safety for motorists and pedestrians in my opinion. It will be something that we feel better about. Taking away the crosswalk to the Post Office has caused dozens of people a day to jaywalk across there. That has been a request of the community for a long time. It does not make sense to do it until you align the parking lot entrance. Correct? That is safer if the parking lot entrance is aligned. Here we have these offsets. 'Akahi is offset from 'Umi so you have right turns instead of four (4) way intersections. That is part of what we are trying to do here, which is bring these into four (4) way crosses that are easier and safer to navigate, correct?

Mr. Haigh: Correct.

Mr. Bynum: Okay. I am doing a little better now. I am supportive of these changes. I recognize that it will be difficult for the community to make a norm change. I think if not, what else? Thank you.

Chair Furfaro: JoAnn, back to you.

Ms. Yukimura: Thank you. Just so that I am clear of how people in this new format will be able to access the various places and activities that they want to go to. This parking lot that is between the Historic County Building and the State building, those roads will still be accessible from 'Umi Street and from Hardy Street?

Mr. Haigh: Essentially, there is no change to that parking lot. It still has its access. There will be no change on the 'Umi Street side and no change on the 'Eiwa Street side, except this now is functioning more as a parking lot drive than a through street. Anybody accessing these parking lots can still come into 'Eiwa Street and either go towards Hardy or come back and then go back through.

Ms. Yukimura: It is a two (2) way. 'Eiwa is still a two (2) way over there, right?

Mr. Haigh: That is correct.

Ms. Yukimura: People can come in from Hardy Street and go into the parking lot between the State and the Historic County Building, and then get back out to 'Umi or can circulate back to 'Eiwa?

Mr. Haigh: That is correct.

Ms. Yukimura: They can come in from Hardy, go on 'Eiwa, and then go to the front of our Historic County Building, right?

Mr. Haigh: Yes, that is correct.

Ms. Yukimura: Okay, and all of the parking of the Historic County Building parking lot there.

Mr. Haigh: Yes. The traffic we are primarily impacting is people who are coming from the Kūhiō Highway direction to and wanting to turn left into 'Eiwa Street to get into this parking area. We are hoping that the people who are Kūhiō Highway will actually continue and enter this parking lot at the entrance on the other side of the Civic Center because we have an easy right turn into this parking lot here. That way, they can enter it without doing left turns.

Ms. Yukimura: If they are coming from Puhi or...they would just come up to Hardy, right?

Mr. Haigh: Correct. Even before Hardy, there is an entrance into the Civic Center, which is a right turn off Kūhiō Highway.

Ms. Yukimura: Right. It is a matter of people learning the alternative ways to get to where they want to go.

Mr. Haigh: Correct.

Ms. Yukimura: If somebody is coming from Haleko Road down Rice Street and want to go to the Historic County Building, they would come all the way to 'Umi and then turn into the State parking or go all the way to Hardy, and then turn into 'Eiwa.

Mr. Haigh: Correct.

Ms. Yukimura: There are all those different ways to get to the places that they used to get to through 'Eiwa. Okay, I understand. Thank you.

Chair Furfaro: Members, anymore questions for this presentation? You mentioned something right at the end. You said after we are doing some public outreach, you are prepared to come back to the Council?

Mr. Haigh: We need Council approval on the Resolution to make this temporary closure. We are coming forward with that document.

Chair Furfaro: I understand you are reaching out, but will you share the concerns with the Council that is brought up in these outreach meetings?

Mr. Haigh: Yes.

Chair Furfaro:
notes for the Council?

Or should I plan to send somebody to take

Mr. Haigh: We will take notes and when we come forward with the Resolution, we are here to answer questions and provide as much information as we can.

Chair Furfaro: I look forward to your notes when you come back. Very good. On that note, this action is to receive today.

Ms. Yukimura moved to receive C 2013-101, seconded by Ms. Nakamura.

Chair Furfaro: Now, I am going to look for testimony from the public. Glenn, come right up. Just a small housekeeping note; we are going to go to a legal item before we go back to engineering next, just simply because the people who are here for that have an 11:30 a.m. appointment to make. Glenn, the rules are suspended and you have the floor.

There being no objections, the rules were suspended.

GLENN MICKENS: Thank you, Jay. For the record, Glenn Mickens. I have to agree with Ross one hundred percent (100%) on this. For me, the whole premise of this thing is that people are going to abandon their automobiles. The population increases and more cars come and when you start cutting down things out here for bikes and for walking to make this whole center some other kind of area for—other than people get getting their drivers' licenses, going to Planning, and to Buildings. They come and leave for their—they are not walking to these areas. By cutting these areas down, you are going to have mass transportation problems out here. Every time you take away something—I can still here Tony Summer talking about Rice Street. Remember he testified how the right on Rice Street made it so traffic would flow. All of a sudden, they put on street parking out there and he was highly against that. The parking should have been someplace else because it restricted cars from moving. Again, I just cannot believe that we are sitting here, going over these plans, and going to close off this narrow Eiwa Street. I was going to ask the same thing that Nadine did on how you would get your cars in that parking lot because now they got it...just narrow it, you are going to be able to come in there, but you have to go in two (2) ways so it is going to be a narrow two (2) lane street out there. The whole planning of this thing just seems backwards. Again, it is premising that we are going to abandon our vehicles. We are not going to abandon our vehicles. People are going to drive for their convenience or for whatever reason. Anyway, I hope this thing for public testimony—I hope people can get together to be able to go over this thing more closely because even temporarily closing it—like Mel was saying, if something gets temporary we toss huge bucks into these temporary planning and they are going to say, "We do not want to waste that. Let us make it a permanent situation." I think that is wrong. Thank you, Jay.

Chair Furfaro:

Thank you, Glenn. Anyone else?

JOE ROSA: Good morning members of Council. For the record, Joe Rosa. Time and time again, I have attended meetings of this Lihue transportation system. At those meetings, I gave the Department my two drawings that I drew up from Haleko Street to the Kapule Highway. Both times I was asked

if I could give it to the community. The last one was from Marie Williams. She said if there were any questions, they would get a hold of me. A lot of things that I put in are not even touched with the way they are doing things. Take in Rice Street, why do we need eight (8) feet wide sidewalks and cut down the lanes from four (4) to two (2)? Leave the status quo on those walkways there and you keep your four (4) lanes. Right now the way things are going, we are going backwards. They improve it from two (2) lanes to four (4) lanes, and they are going back to two (2)? That is ridiculous. That is poor planning. They are just doing things while not being prepared to look into it. One of the main causes I keep emphasizing is get the main traffic out of Līhu'e town, like those big trucks that go to the plant and the Hale Kaula concrete trucks. Everything else comes into here. We need to get out of it. You take Kapule Highway and they come rushing down Kapule, turn on Rice Street, or go down to Haleko Street and beat the light to Kaumuali'i on the other end there. Those are the things that they do not see. When Maryanne Kusaka was the Mayor, I also made (inaudible) a plan at one of the meetings also saying that the existing approach that they had near the museum to bring it to Kele Street where the Post Office and the Bank of Hawai'i is and make that a four (4) lane intersection, and with the crosswalks they took away. Common sense. Poor engineering and poor drawing. Even with this plan; I say this looks like a grammar school mechanical drawing plan. There is no direction. Where is north? That is not a typical map thing. Everything is rushed. They are trying to rush things to get the funding, but they are not doing things right. I hate to say it, but Mr. Doug Haigh, he should be planning something else, where he comes in this kind of stuff. As I said, I am a draftsman. I drew two (2) plans like I said. One was during Bryan Baptiste, when he the Līhu'e town meetings. I gave him one over there. Then the last one, like I said, Marie Williams took it and she got my name, address, and phone number.

Chair Furfaro: Excuse me, Joe. Was that his first three (3) minutes? Okay. Joe, you still have another three (3) minutes.

Mr. Rosa: Those are the things. They are doing things that they are not prepared for. On 'Eiwa Street, even to get out to rice street, I say make it no left turns because it backs up here. It is only right turns. Go with the flow. That is on Rice Street, no turning into 'Eiwa Street. No left turns. If you want to make a left turn, you go down to 'Umi Street and add an additional right where the people can turn off on 'Umi street. At that time, you kill two (2) birds with one (1) stone because in morning it is suicide with parents taking their kids to school. As soon as the light changes—one of these days, you are going to get a mean collision where kids will be involved. Those are the kinds of things. I said move the left turns from 'Eiwa to 'Umi and give them the left turn arrow into 'Umi. These guys do not know what it is. I ride around Līhu'e town during lunch hours. Those candlesticks that they put in front of the Post Office; the traffic backs up to that for those who make a left turn onto 'Eiwa Street. I told them to ban that and let them go to 'Umi because have you have a signal light. To add a turn there and an extra head on the light is just a simple thing because I put up most of the street lights when I was with the Department of Transportation (DOT), starting with the first one in the Līhu'e Airport road intersection. A lot of the things I am saying here...I know what I am talking about. These guys have a lot to learn about it. I hate to say some of the engineers that you have, I do not think they even qualify because you have mechanical engineers trying to do civil engineering jobs. It does not work. Mechanical engineers; everything has to mash so everything can run and operate. Without civil engineering, it is broader. You can make (inaudible) and as construction changes. I like the way Ross said he does not agree with it because as

I say, you do not have to close 'Eiwa Street. Līhu'e will never become a walking town because we have too much traffic coming in. There is no other way in. I followed trucks where I get out of Isenberg tract; they do not turn into Hardy or turn up here. They just go straight. What does that tell you? They are trying to get out of Līhu'e town or pass Līhu'e town to get to their destinations. We need to work with DOT because when I worked in DOT in 1950, JoAnn was a little girl with her grandmother living in Hanamā'ulu yet, and we had the master plans for the highway development. Kapule Highway is just part of it. Kapule Highway should go right across to Nāwiliwili Road. That would take traffic out of there and get them to Nāwiliwili Road and out of Līhu'e town. You do not have to come in. Like I said, again, we are taking away the Hawaiian charm that I hear JoAnn always emphasizes, "The charm of Hawai'i. People come to Hawai'i." You do not need metropolis—I know names again but I have to refer because Jay, there are things that...

Chair Furfaro:
because your time is done.

Joe, I was going to pose a question to you

Mr. Rosa:

Okay. I can sum it up.

Chair Furfaro:
Williams?

No, you said your plan is with Marie

Mr. Rosa:

Yes, she took the last one that I had.

Chair Furfaro: If I make a note to the Staff to see if we could get that plan, can I call you up and then you and I can sit down and you can show me some of your suggestions?

Mr. Rosa: I would be glad to because I took time to do it. Like I said, I am a draftsman. I had good ideas. I live in Līhu'e town. I pass it during the lunch hour, school times, and everything else. I know how the traffic is.

Chair Furfaro: Let us do that, Joe. I am going to write to get a copy of your plan from Marie, then I will call you up and we can discuss it further.

Mr. Rosa: Thank you, Jay. I come here because I have something to offer. I was not able to make last week's meeting because something came up. There is something that I disapproved of what the procedure that they said they had so much overtime when it comes to paving, and that they had to yank guys from here to there. All you need on a paving besides the paving crew is usually an eight (8) man crew that the company has. All you need is a County inspector and a project engineer. Nobody needs overtime.

Chair Furfaro: I have to stop you there because the agenda item is not paving. We will try and get the copy. I will call you. Also remember that they said they were going out with two (2) outreach meetings, and they are coming back to the Council.

Mr. Rosa: Good. I hope they come with things that are more positive and things that are more realistic to the Hawaiian charm, and not a big metropolis kind of thing.

Chair Furfaro: Understood.

Mr. Rosa: Local boy, local town.

Chair Furfaro: We will get that plan and I will call you up.

Mr. Rosa: Thank you. Thank you, Ross, for feeling the way you do. It does not have to be agreeable. It can be a one (1) vote or five (5) tow two (2) vote. Stick to your guns. I thank you.

Chair Furfaro: Okay. Thank you, Joe. We will be talking to you soon. Staff, you so note to try and get a copy from Marie Williams. Ken, you have the floor now.

KEN TAYLOR: Thank you, Chair and members of the Council. My name is Ken Taylor. Like Ross, I am opposed to closing this street down. I think in the long run, it is very important to keep it open and keep the flow of traffic. I think a simple solution to some of the traffic problems on Rice and the intersection of this road is simple, which is no left turn lanes, one off of Rice and one onto Rice. One of the concerns and problems that I look at constantly is I attend a number of functions here at the County Building, not only here at the old building, but across the street. The parking has become greater and greater of a problem for the public arriving during the day because Staff gets here early and takes up all the parking spaces, along with meetings of different commissions. When it comes time for the public to come and take care of business, there is little to no parking left. I think it is time that we bite the bullet and put Staff parking either down at the stadium area where it is very seldom used to any kind of capacity or even at the Convention center. Those two (2) parking lots sit empty probably ninety percent (90%) of the year. They could be used for Staff parking and open up current parking for the public to do business at the County Building.

I am concerned about the comments of outreach. One of the outreaches that was mentioned, if I understood it correctly was this weekend which is being billed as the Lihu'e Development Plan Kickoff. For most people that read and understand what is going on, they would not know and understand that this issue was being talked about *per se*. It is disingenuous to say this weekend's meeting is an outreach to the community to talk about this plan. I think a separate meeting is in order for the community and should be scheduled and dealt with in a timely manner.

Chair Furfaro: Ken, that is your first three (3) minutes.

Mr. Taylor: Thank you. I just feel that we are moving forward with planning that has not really taken into consideration the public. I know and I understand, and have read the core plan for Lihu'e. I remember in reading some of the long range plan for the community center of the County facilities a couple of years ago. I was opposed to some of what was in those plans at that time and I think that they really need to be relooked at from a standpoint of addressing the issues to serve the public. I see these plans as making it convenient for the employees and very little benefit of to the community in general. One of the biggest mistakes that were made by the County a couple of years ago was allowing the Big Save market to close down. That was a terrible, terrible thing. It should be reconsidered as a main part of the core plan activity because people just are not going to be walking to Kukui Grove and Walmart and toting home their groceries when they could be shopping at a local market. More communities all over the

Country are working very diligently and very hard, and at great expense to reestablish markets in their downtown areas. None of this can be done in a vacuum. It has to all be done together as a totaled plan. Yes, we have some plans out there but they each lack a little something. I think until we can pull it all together, we should not be moving forward with spending more money and activity until we really know. If you were on the highway or on the roads here in Līhu'e, which I was a few days ago when they had the fire behind Walmart, it was a total nightmare. There was very slow movement of traffic. Everybody was trying to get around the blockage on the highway and the surface streets throughout Līhu'e were a disaster. Those things need to be looked at too, as part of this total planning.

Chair Furfaro: Thank you, Ken. That was your six (6) minutes. This item will be coming back as I have mentioned earlier. On that note, I am calling the meeting back to order. Is there any discussion as we have a motion to receive at this point?

The meeting was called back to order, and proceeded as follows:

Mr. Rapozo: Thank you, Mr. Chair. First of all, I think Mr. Taylor alluded to—this is the notice or the flyer that is being circulated for outreach. I do not know how the average person in the community who does not watch this show would know that this plan would be discussed. It is more of a general plan type of...as far as I am concerned, that to me does not constitute outreach. Outreach would be a flyer saying that the County is proposing a plan that will close 'Eiwa Street temporarily for six (6) months. That is what outreach is. Outreach is not putting out a nice flyer and giving away food and entertainment. The public would have no idea what is going to be discussed as far as this Resolution is concerned. I do not think that meets the requirement. Mr. Chair, that is why I will be asking that we have at least one (1) public hearing when the Resolution comes to the floor. You can leave that up if you want. I just have a couple of other comments. The presentation said that the conditions have changed with the old Big Save area. In essence, it has not because the proposal is to put a meat processing facility there, which would have the large trucks and the transportation needs that—maybe not to the level of Big Save, but definitely something that has got to be considered because there will be large tractor trucks coming in with the meat to be processed. That is something that has to be considered. To say that the conditions have changed; it has to some extent, but not completely. The traffic studies Mr. Haigh said—traffic studies is really not the driving force. I disagree. I think we have to pay attention to the traffic studies. We have to pay attention to the facts that tell us which of these intersections are bad. "Will our actions actually increase the problems at those intersections?" I think those studies have to be taken into account. It cannot be discounted that studies were done specifically for the improvements of the Līhu'e area. Just overall, we have got the big, major project on Kapule that the State is doing, which is causing all kinds of problems for our residence driving to Kapa'a or even coming back into Līhu'e. This project is going to add to that. It is going to add more congestion in the Līhu'e area. I am not sure how long that project is going to take, but I do not know. To me, it would make more sense that we hold off until that project is done because it is a problem for our citizens and the people who have to drive. There are a lot of people who cannot walk or cannot ride bikes because of where they live and their schedules. It is just going to cause a bigger problem for them. I am still trying to figure out why we have multiple plans for these development projects in towns and cities. Although they are separate plans, they are definitely connected with each other. It would make more sense to me if we did

a plan that incorporates all of the improvements in a phased schedule, rather than relying on waiting for the striping of Rice Street. If we do, and this project and Rice Street is held up, it does not make this project work because now you are going to have the issues that Councilmember Yukimura talked about; the crosswalk issues. I understand there are limitations and limiting factors that the County has, but I just think that we need to better assess these projects before we go ahead and start them because it is going to cause a tremendous inconvenience for the public. That is my biggest concern. Thank you.

Chair Furfaro:
coming back to us. Mr. Bynum.

Members, remember that this is going to be

Mr. Bynum: I agree with Councilmember Rapozo that we need to look at those traffic studies and that they are meaningful, and I have, and they say that our current situation is not acceptable. By the standards, many of the intersections around here are the level of service with "D" and "F." I will bring those documents before the Council if necessary, again. We already have the crosswalk problems of the four (4) lanes that JoAnn said. There are already inconvenience and difficult situations. Expanding the sidewalk along there from it being very narrow to eight (8) feet will not impact the traffic lanes at all. It will just impact the parking area. We are going to put pedestrian walkways through the middle of parking lots so people who get off bus actually have a pedestrian way through the parking lot to get to the County services. These things have been discussed over a ten (10) or fifteen (15) year period, and now we have to sequence these various projects, all of which will improve traffic circulation for cars and people. It will improve safety once it is all completed. There is no simple way to get through a construction period without some inconvenience. Again, Rice Street was designed to be initially, when it was redone years ago, to be four (4) lanes without parking. Putting that parking in was a decision made by the Council at the time. I am almost certain I am accurate about that. That has caused lots of difficulties for the sake of eight (8) or ten (10) parking spaces on this end of the town. We have created these traffic anomalies. I walk around Līhu'e town almost every day, a little bit less recently now; but to be a walking person, it is difficult. Right now, if you are a student with a disability at Wilcox School, there is not an accessible path to the library right across the street. We are going to correct those problems with these various projects. I want to be on record in supporting Public Works moving ahead with what I think is thoughtful consideration of about how to deal with the sequencing of these projects in a way that disrupts the community the least. When it is all done, I am convinced that we are all going to be very happy, both drivers of cars and walkers with the outcome.

Chair Furfaro: Okay. Members, remember that this is going to come back to us. JoAnn, you have the floor.

Ms. Yukimura: Thank you. I was quite distressed about the multiple plans for Līhu'e town and actually, I think it was mainly a boondoggle for planning consultants. I see the administrative agencies trying to correct that problem by working together to meld the different actions following the plans in coordinating it. I think that is a good thing. I do think that the inconvenience will happen but I think it will temporary for a better long term effect. Change is always difficult, but if we give ourselves some time to try it out, maybe we will see that it works or we will see what does not work about it and we can alter and change. I think a trial period is a good idea.

Chair Furfaro:

Mr. Kagawa.

Mr. Kagawa: Our population here is growing. We have more cars. Closing a main street in the busiest town of Kaua'i will not lead to any happy residents. I cannot see closing this street as improving the movement of traffic. The State and Federal Government are all spending big bucks trying to improve traffic, trying to improve the flow of traffic, and we are going to be closing the street and reducing a main four (4) lane road in our town to two (2) lanes. I am a driver education teacher. I am very concerned about the safety of our pedestrians. I frequently see cars traveling ten (10) to fifteen (15) miles over the speed limit on Rice Street. I see cars not stop when people are waiting to cross at the crosswalks. What we do need to improve the safety of pedestrians is more education and more enforcement on the speed limit. I believe that is the way you attack it. It is a common problem. Uncontrolled crosswalks are very dangerous. We see a lot of deaths on O'ahu regularly. It is a shame but a lot of times it happens at those uncontrolled intersections where crosswalks are there, and it does not matter if the speed limit is twenty-five (25) miles per hour or fifty-five (55) miles per hour. It is the drivers who are the ones who are inattentive that are speeding. I am really hesitant to support this project. Thank you.

Chair Furfaro: Okay. Any more comments? If not, I just have one, and then I am going to call for the vote. Here is a message out to the Administration. I am very concerned. The red flags that come up to me is between Economic Development, Buildings, and Planning; I think you folks need to start improving your communications internally. There are other things that are in front of the Council that has potential impact here, and I would like to see that you folks are all discussing the items in a coordinated effort. Nobody made a bad decision because they had too much information. On the next item, if there is disagreement here, I want to make sure I understand. For the public, this flyer that was up there, I have to assume that is related to the Līhu'e Town Plan coordination. Can you acknowledge that for me, Peter? Yes, that is. Okay.

Ms. Yukimura: It is "Līhu'e Development Plan," so it is not just the...

Chair Furfaro: Town Plan; Development Plan. I am sorry if I used the wrong terminology, but I would like to stay with my thoughts as I would like to send a message here.

Ms. Yukimura:

Okay.

Chair Furfaro: Also, my understanding between the Līhu'e Town Core Plan, or the Līhu'e Development Plan; there are two (2) parts that I want to make sure...there is a one which is a plan focusing on Līhu'e, and then there is a district plan that goes all the way to Wailua Bridge. Whichever these are, they need to be coordinated between the Departments I just shared with. I also want to make sure I understand from the Building Department, there are at least two (2) more outreach programs for the community being planned. It looks like Building has left. If I am wrong, I would like to get that corrected. Then, I have a commitment from them that they will be coming back to us on an agenda item and share the comments from the public with us. Joe, I will follow-up on your plan with Marie Williams.

The motion to receive C 2013-101 for the record was then put, and unanimously carried.

Chair Furfaro: I have made a change on the plan this morning. Amy, I want to go to the Legal Document, C 2013-157, regarding the new facilities in Waimea for the Police Department. After that, I think we will take a caption break and go right back to the engineering item.

There being no objections, item C 2013-157 was taken of the order.

LEGAL DOCUMENT:

C 2013-157 Communication (03/21/2013) from the Chief of Police, requesting Council approval of the Use Agreement between the County of Kaua'i and Easter Seals Hawai'i, for a temporary Waimea Substation located in the renovated Waimea Dispensary at 4590 Ola Road, Waimea, for a period of eight (8) years, commencing on May 1, 2013, and terminating at midnight on April 30, 2021, for a monthly rent of \$2,000.00, inclusive of common area maintenance fees and all applicable taxes, with possible extensions of up to two (2) additional one-year terms at a negotiable rental price, including a lump sum payment of \$210,000.00 for the build-out of tenant improvements by landlord: Mr. Kagawa moved to approve C 2013-157, seconded by Mr. Rapozo.

Chair Furfaro: I did get a confirmation that the moneys identified in this Legal Document are in fact in the Capital Improvement Plan (CIP) and General Fund, just to answer that question. Amy, I am going to suspend the rules and turn this over to you.

There being no objections, the rules were suspended.

AMY I. ESAKI, First Deputy County Attorney: Good morning, Amy Esaki, First Deputy County Attorney. We are here to ask for approval to enter into this Use Agreement with Easter Seals so that the Police Department can establish a Waimea substation at the Waimea Dispensary. As the County Clerk has noted, the lease rent is as stated in the lease document. It is for a term of eight (8) years with an option to extend for an additional year for two (2) years. If any of you have any questions, we are here to answer them.

Chair Furfaro: We have a fine Officer with us today. Can you introduce yourself?

RICHARD ROSA, Lieutenant: Good morning, Richard Rosa, Lieutenant with the Kaua'i Police Department.

Chair Furfaro: Lieutenant, welcome.

Mr. Rosa: Thank you.

Chair Furfaro: I want to make sure I understand. This is for an eight (8) year period and the common area and maintenance is included—the CAM is included in the monthly rent?

Ms. Esaki: Yes.

Chair Furfaro: Okay, for this eight (8) year period?

Ms. Esaki: Yes.

Chair Furfaro: Okay. I do want to say that if that is including the common area and maintenance, this seems to be a very attractive program. Very attractive.

Mr. Kagawa: Richard, thank you for being here. Is the space a lot bigger than your current location near the fire station?

Mr. Rosa: Yes, Sir. We have been in the current location since 1971. That space is about seven hundred ten (710) square feet. The new substation is two thousand one hundred (2,100). It gives us a little more leg room to do our job.

Mr. Kagawa: Thank you.

Mr. Rosa: Thank you.

Chair Furfaro: So it is three (3) times the space?

Mr. Rosa: Yes, Sir.

Ms. Yukimura: Good morning. I think it will give much better facilities to the police. I had a chance to read the legal agreement last night, and also to check our Budget because it does commit us to some moneys. First, I want to ask the Lieutenant that the cover letter says that it is for a temporary Waimea substation?

Mr. Rosa: Yes.

Ms. Yukimura: This lease is for eight (8) years with two (2) years with a possibility of extensions. This letter indicates that the police are seeing this facility as a temporary location?

Mr. Rosa: Yes.

Ms. Yukimura: You are thinking in the long range that there will be another arrangement?

Mr. Rosa: We are looking for a permanent station for the officers assigned to the South and West shores.

Ms. Yukimura: What are you looking for that this site does not have?

Mr. Rosa: Space.

Ms. Yukimura: More space?

Mr. Rosa: Yes, and it is not a County building.

Ms. Yukimura: That is true.

Mr. Rosa: We want a facility where it is just for police, something like what we are working on for the Kawaihau District.

Ms. Yukimura: Okay. Arguably if we did a County owned site, we would not have annual rents. That is something to look at when you are looking at costs. Anyway, I just wanted to understand what the police thinking was about this when I saw the word temporary. I did look at the costs and I commend the Police Department for including all of the costs for this year's Budget because there is an electricity line item of forty-four thousand dollars (\$44,000), and a water bill of nine hundred dollars (\$900). That is a total of sixty-nine thousand three hundred (\$69,300). We need to know what we are committing to, so that is really good. My question is what is the cost of insurance? Is that included in the Budget?

Ms. Esaki: The police would be covered under the County's insurance policy.

Ms. Yukimura: In the legal agreement it says, "Landlord acknowledges tenant is self insured up to \$500,000."

Ms. Esaki: That would be for general liability coverage.

Ms. Yukimura: "At a minimum tenant must maintain the following coverages upon execution of this Use Agreement: commercial general liability, commercial automobile, workers' comp, commercial property, employers' liability, and umbrella liability." I am not sure the interface between our self insurance and the additional...if it is additional, but I just want to make sure we are covering this expense if there is an expense.

Ms. Esaki: That will be included in the County's General Liability Insurance Policy and Auto Policy which are part of the County Plan.

Ms. Yukimura: What you are saying is that there is no additional expense?

Ms. Esaki: No, no additional. There should not have any additional expense.

Ms. Yukimura: We will be able to meet the requirements of this legal agreement?

Ms. Esaki: I believe so.

Ms. Yukimura: Okay, very good. The total annual cost is sixty-nine thousand three hundred (\$69,300)?

Mr. Rosa: Where are you getting that number from?

Ms. Yukimura: I saw it in our Police Budget. Maybe I made an error by a factor. Let me check.

Chair Furfaro: While Councilmember Yukimura is looking for that, I did a little of my own research. I have to tell you by comparing lease

rents, this is a very generous and attractive lease. Typically for common area and maintenance, some of the lowest you will find is about eighty-five cents (85¢) and rent would be maybe about one dollar fifty cents (\$1.50) a square foot. This comes out to ninety-six cents (96¢) per square foot and that includes Common Area Maintenance (CAM) and the rent. You would be shopping for a really long time to find anything as attractive as this. Those terms are for eight (8) years with a two (2) year option. As I understand from the Lieutenant during that period of time, we will be looking at some options that are more permanent in the way of a County facility. Did I understand you correctly, Lieutenant?

Mr. Rosa:

Yes, Sir.

Ms. Yukimura: I am looking at our line item Budget submitted by the Police Department. Page 86 shows "Electricity, Waimea Substation (new), \$44,400." Those are police figures. I have not verified it or checked it out, I am just taking it for what...

Mr. Rosa: I have got those numbers from our fiscal department. I checked that this morning.

Ms. Yukimura:

Did I add wrong?

Chair Furfaro: No, you have got it very close. My point is that I was just talking about rent in a common area, and then of course it is plus utilities which are in your Budget.

Ms. Yukimura: rent is extremely attractive.

Yes. Thank you, Chair. I do agree that the

Chair Furfaro:

Vice Chair, you have the floor.

Ms. Nakamura: Thank you for your presentation. I wanted to ask you about the two hundred ten thousand dollar (\$210,000) lump sum payment that is for the interior improvements. Is that in Kaua'i Police Department's current Budget?

Chair Furfaro:

That came out of CIP.

Mr. Rosa:

Yes.

Chair Furfaro:

Our General Fund CIP.

Mr. Rosa:
2014.

Yes, it will come out of CIP for Fiscal Year

Ms. Nakamura:

It is in the current CIP Budget?

Chair Furfaro:

Yes.

Ms. Nakamura:

Okay. Thank you.

Chair Furfaro:

Is this a typo here?

Mr. Rosa:

No.

Ms. Nakamura: About how much staff will this substation accommodate?

Mr. Rosa: Currently, we have twenty-seven (27) employees there. We have got a few shortages but once we fill those that will boost it up to twenty-eight (28).

Ms. Nakamura: On any given shift?

Mr. Rosa: On any given shift, we have five (5). One (1) sergeant and four (4) officers.

Ms. Nakamura: Okay.

Mr. Rosa: During the day, we have the clerical staff and the lieutenant.

Ms. Nakamura: Are there holding facilities at this site?

Mr. Rosa: Yes. This temporary substation will have a holding facility.

Ms. Nakamura: Does it include overnight accommodations?

Mr. Rosa: No.

Ms. Nakamura: Just temporary?

Mr. Rosa: Yes.

Ms. Nakamura: Thank you.

Mr. Rapozo: Thank you, Lieutenant. Thank you, Amy. It will also be available for the detectives and the special units as well, right?

Mr. Rosa: Yes, Sir.

Mr. Rapozo: The accommodations will be there. Right now, if anybody has not seen the Waimea substation, you probably should not go and just forget it. If you blink, you pass it. It is just so small. This facility will be able to accommodate not just the patrol officers, but any detective working on Westside. Special traffic units working on the Westside will be able to use this facility as well.

Mr. Rosa: Yes, Sir. We are also building it up to be a remote command post or a field command post during disasters or manmade emergencies, and what have you.

Mr. Rapozo: For the Westside?

Mr. Rosa: Yes, Sir.

Mr. Rapozo: Thank you very much.

Chair Furfaro: If there are no more questions, I will see if we can take public testimony. Amy, thank you very much. Lieutenant, thank you very much. Ellen, please come right up.

ELLEN CHING, Easter Seals Hawai'i: Good morning. I am the Neighbor Island Development Officer. I am representing Easter Seals Hawai'i. I want to thank you today for the opportunity to testify. I believe that this project is a wonderful example of public and private partnership. Taking an old building that had fallen into disrepair and was vacant for many years that was known as the Waimea Dispensary, and giving it new life as a service center for the Westside community. The renovation was completed last year and currently, we started providing services for adults with developmental disabilities in February of this year. In addition to the current services, we hope to initiate services for infants and children, ages 0-3, for the elderly, as well as vocational training. The Use Agreement will allow the Police Department to occupy over two thousand (2,000) square feet as their new Waimea substation. We look forward to this partnership. Some of our participants are afraid of the police. We know that just by the proximity alone, that they will learn that the police are there to help, to protect and serve. Already the police have volunteers to come to talk to our participants and explain to them what their job is and what they can expect if this Use Agreement is ratified. In closing, I would like to thank the late Senator Inouye, who assisted with the funding for the property and the construction. I need to thank Mattie Yoshioka, Ron Sakoda, Scott Tsuchiyama, Aletha Kaohi, Mayor Carvalho and his Staff, Beth Tokioka, and the folks at County Housing, the County Attorney's Office, Planning, Finance, Chief Perry and his Staff, and of course Richard Rosa who I have been working with for years, Mike Contrades, and Alejandro Quibilan. Lastly, I want to thank Chair Furfaro and all of you, members of the Council for your consideration. I ask for you support and I will be happy to answer any questions that you may have.

RON SAKODA: I was the project manager for the facility in its construction and helped with the changing of titles from Kaua'i Economic Development Board (KEDB)/(inaudible) to the County to Easter Seals to make this project a viable project for the community. I would like to ask for the Council to really take it to heart of the partnership that has been committed. The rent for under a one dollar (\$1.00) square foot with CAM is, I feel, one of the best deals in town. The County cannot go wrong. If you were to build one, I think your costs would—I think your interest costs would just wipe you out. Saying that, the County has the ability to do many things and a lot of times, they having their own facility is something that is worthwhile and sometimes needed. Therefore, you need the time to make money and Easter Seals has appointed you that. I feel that they awarded you that opportunity. Thank you.

Chair Furfaro: Thank you. Ron, are you on the board of Easter Seals?

Mr. Sakoda: No. I was the project manager helping them bring in the facility to their standards. It was a volunteer project.

Mr. Kagawa: I want to just thank both of you for all of your work. I went to Waimea High School and went to that dispensary a lot because I was very accident prone. I wanted to just ask a general question. The facility was very run down but I saw it and it just looks unbelievable. The police are

going to be looking spectacular in that beautiful building. I have to commend you folks for rebuilding it. Basically, is it the same size as the old dispensary?

Ms. Ching: I brought some pictures of before and after.

Chair Furfaro: Could we get that circulated?

Mr. Sakoda: I would like to say that Easter Seals did a great job in the manner that they tried to recreate the facility in its original design. Therefore, we have enclosed patios and a lot of features that (inaudible) kept the same like (inaudible), wood sidings to depict the (inaudible). It was something that we wanted the community to remember because many of the people my age said they remember being born there. They really wanted that building to come back. With the community, I think Easter Seals did a fabulous job.

Mr. Kagawa: Thank you. Remembering in the 80's when I was going there; it was already really run down at that time. Seeing this picture...it just looks unbelievable. I just wanted to thank you guys and I will be supporting your request.

Chair Furfaro: Mr. Rapozo.

Mr. Rapozo: I do not have any questions but I have some comments for later. It is basically the *mahalo*, but I will do that in the discussion.

Chair Furfaro: I just have to say that the aesthetics here is outstanding. It is a very, very attractive building now. Restoring an old building and having it look this way, you should be complimented as project manager, Ron. Thank you. Did you want the floor, JoAnn?

Ms. Yukimura: Yes, please.

Chair Furfaro: Go ahead.

Ms. Yukimura: It is not for a question, but I do want to acknowledge you Ellen, Ron, and the team that put this together. It is a remarkable example of public/private. It is such a gift to the Westside community because that is one of the terms that we used with the Kaua'i Island Land Trust, which was places of the heart. It is a place of the heart but when it was so run down, it was such a detriment to the community and you have brought it back in an even better way with the new and current use. Remarkable, creative work. Thank you very much.

Ms. Nakamura: Thank you. I had a chance to go to the blessing ceremony which was incredible to see the participants and just the beautiful interior, as well as the exterior. I wanted to ask you, how is the program working out? The transition from Waimea residents having to go to Kapa'a for services but now they can do it in their community.

Ms. Ching: Yes, this was such a great project for us for a number of reasons. Prior to this project, we had Westside participants traveling everyday to our Kapa'a facility on the bus and it would take them anywhere from four (4) to six (6) hours daily, Monday through Friday. The other thing that we found out while doing a feasibility study was that in our 0-3 program, which saves

about one hundred (100) kids every month, more than fifty percent (50%) of those children come from Westside communities. What we are hoping is that just having a presence on our Westside community will be able to provide better services to those communities, but we are hoping that we will be able to do more outreach and more people will come forward to take advantage of our early intervention services. I can remember in the last couple of years any type of natural disaster really is throwing us into a panic as how to get our Westside participants back to their homes before the roads are closed and the staff having enough time to return home. There are just a number of things that really solves a lot of issues for us. To be able to—because we are looking at a service center, not just a center for people with disabilities. Certainly, there will be services there to service that population but we are also looking at elder services which were a need when we did a needs assessment in that community, so we are looking at it more broadly for it being a service center. We are just very pleased. Waimea is a special, special place. If you just go to that town and to be able to use the same foundation to bring back the original *lānaʻi*—I love that building.

Ms. Nakamura:
your great work.

Thank you very much, Ellen and Ron, for

Chair Furfaro: I have to say how very grateful we are for a great project. We look forward to its mutual benefits for all parties involved. Thank you very much. We have a challenge here. We have to take a caption break. I got about three (3) minutes to actually call the meeting back to order and take comments, but I will not in case we come back from the break and there is some public testimony. Would anybody like to offer some comments now?

The meeting was called back to order, and proceeded as follows:

Mr. Rapozo: Thank you, Mr. Chair. BC, I apologize because I realized the meeting started at 8:30 a.m. so we did not have a caption break. Councilmember Yukimura brought up a comment. She made a comment and I thank her for scrutinizing the contract because when we get a deal like this, typically there has got to be some strings attached or there has got to be something. If it sounds too good to be true, it usually is. I appreciate her asking the questions but I just would like to say that what we are committing to is a safe and healthy environment for our officers out on the Westside. They have been living and working in the substandard quarters for a very long time. It is very tough to be on this Council and not be able to give them what they really need because of costs. It is ironic that about thirty (30) years ago, I was at that old dispensary getting my police physical from Dr. Miyashiro. I remember walking in and paying twenty-five dollars (\$25) for my own physical and getting a physical. Today, part of it is a police station. I just wanted to thank Easter Seals, Ron, and the entire team that put it together; Senator Inouye. That is why they called you because they needed that connection so I appreciate that. Every so often, the County rarely—I do not even remember the last time we came across an opportunity like this where it just made a lot of sense. There is no other option that would provide this result for this cost. Absolutely none. With ninety-six cents (96¢) a square foot, including everything. Easter Seals was able to do the construction. If the County had to do it, we would still be going over plans and consulting to figure out what the police need. You guys did it with the input from the Department and with Lieutenant Rosa, so I just want to say thank you very much. I appreciate the partnership. I know they want their own place. Being realistic, it probably will not happen. We want to take advantage of that space and build that relationship. I know Richard will be retired by the time

they get a new station out in Waimea, but that is something that we obviously need to strive for. Thank you so much as the Chair of Public Safety and for what we just provide that Westside community. I am very excited and happy. Thank you very much. Thank you, Mr. Chair.

Chair Furfaro: Thank you, Mr. Rapozo. Anymore before we go on our break? Is there anyone in the audience who will be offering testimony that would perhaps change our opinion on the motion to approve? No, okay. We will vote now and take a caption break.

The motion to approve C 2013-157 was then put, and carried in the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Ellen and Ron, thank you very much. It was suggested to me that asking if there was anybody that was going to testify, but I think that option is left to the Chairman to take testimony anytime we would like to so when we come back, we will be doing the engineering item.

There being no objections, the meeting recessed at 11:01 a.m.

The meeting reconvened at 11:21 a.m., and proceeded as follows:

Chair Furfaro: We are back from our recess. Let me share with the members that I would like to finish up with engineering today but I would like to start with Ola Road first if we could.

There being no objections, item C 2013-153 was taken out of the order.

COMMUNICATIONS:

C 2013-153 Communication (03/18/2013) from the Chief, Roads Division, Department of Public Works, requesting Council approval to include the resurfacing of Ola Road, Waimea, at an estimated cost of \$110,000.00 to the present Islandwide Road Resurfacing list: Mr. Kagawa moved to approve C 2013-153, seconded by Mr. Rapozo.

Chair Furfaro: Ed, I am going to suspend the rules and let you make a brief presentation to us. Go right ahead.

There being no objections, the rules were suspended.

EDMOND RENAUD, Chief, Roads Division: Good morning, Councilmembers. Ola Road is a...how should I say it? It is a road that services or will be servicing a lot of people going up there. When we have the recommendation to look at it—not recommendation, but the request to look at it and see what repairs we had to do; we went there, we looked at it, and it is a very short road. It is only about eight hundred sixty-six (866) linear feet long that the County owns. It varies in sizes from thirty (30) to thirty-four (34) feet wide on our properties. What we are

going to do there—we need to do some reconstruction. The reconstruction area so that the life of the road lasts longer is about six hundred twenty-six (626) linear feet. Like I said, the road is about eight hundred sixty-six (866) feet long, so the total overlay is eight hundred sixty-six (866) feet. That is what we done. We are going to do a short reconstruction overlay. Any questions?

Chair Furfaro: Members, do we have any questions for Public Works on Ola Road?

Ms. Nakamura: Good morning, Ed. I wanted to ask you. The hundred ten thousand dollars (\$110,000) will come out of the current Islandwide Resurfacing line item?

Mr. Renaud: Correct. It is going to be a little more. That was our estimate. They came back with a quotation of one hundred eleven thousand dollars (\$111,000).

Ms. Nakamura: There are funds remaining?

Mr. Renaud: Yes there is.

Ms. Nakamura: What happened? Was the bid lower than anticipated?

Mr. Renaud: Because we have a contract with Grace Pacific and they are the only contractor now on the island, we went with Grace because we do work with them on other type of recyclable material so they came in with that price.

Ms. Nakamura: Okay. Thank you.

Ms. Yukimura: Where did this request come from?

Mr. Renaud: Police requested of it.

Ms. Yukimura: Okay. By your recommendation to us, this meets the criteria that you used for deciding whether to add the road to the list or not?

Mr. Renaud: Correct. This road would have been less when we did come there, but it was not on this list. With that request and when we looked at it, it was in bad shape. I got together with my directors and we agreed to move this forward.

Ms. Yukimura: The road crews have begun resurfacing projects, right? They were in Kekaha a while back. Are they still on the Westside?

Mr. Renaud: They are in Lāwa'i right now.

Ms. Yukimura: So they have to come back?

Mr. Renaud: Mobilization is nothing, it is just about getting the material there.

Ms. Yukimura: Can you speak a little louder? Mobilization is?

Mr. Renaud: There really is no cost on mobilization. It is more of the material. They are close by where they can move the material in that area.

Ms. Yukimura: I do not have any problems with this. I am just wondering about your system. If somebody else comes with a request midway through your resurfacing project, you take a look and then you decide whether to add or not based on certain criteria?

Mr. Renaud: I do not really make that decision. I go and I investigate it and take all—what is the problem of it and how important? Who are the people and I recommend this to the Director. From there, we discuss everything.

Ms. Yukimura: Who makes the decision about recommending it to the Council? Who is the ultimate approver?

Mr. Renaud: I guess it is all of us. It is Roads, Public Works, and the Administration.

Ms. Yukimura: Okay. You have a set of criteria that you use?

Mr. Renaud: In this particular road, the criteria I would say that it is going to be serviceable. When I found out that it is going to be used a lot and there is a lot of police officers and whoever from KPD is going to be there. When Easter Seals was going to be there, they had a lot—how should I say this...needed people in a might be in that area moving around. Looking at that, we surveyed and seen the high school kids using that road. It was in bad shape. We brought it up and I said, "I think we should really look at it and repair it." I know there were other roads in community. I was never involved in making this last list. It was made previously from different administrations and different chiefs, but the thing is that we honored this list—Islandwide Resurfacing—I am going to another place so we understand everything. We honored this list but the next list that is going to come out, we are going to do it to the program we have. What is critical? How much funding we have? On the island of Kaua'i, how do we move equally?

Ms. Yukimura: I think your criteria is good in that this additional use based on the restored building is additional traffic and volume of traffic makes sense as a criteria. I was just trying to understand how this works with the new software and all of that because that is what we have been looking for; some objective criteria, an evaluation that takes a comprehensive look, and then prioritizes roads according to what everybody sort of agrees is the right criteria. That is why I am asking my questions. Thank you.

Chair Furfaro: Did you have a question?

Mr. Rapozo: Actually, your communication says that there is available funding currently to add this to the list. Is there any other additional funding? I have a feeling after this thing hits, you are going to be getting a lot of requests because I know. I have been getting requests for Waimea. We

talked about Waimea going up by the neighborhood center, which is really bad with the roots underneath. I would assume that you will be getting a lot of calls. Is there any more available funding to this current cycle?

Mr. Renaud: There is available funding. In talking about the area you are talking about, there is more than that road.

Mr. Rapozo: I know.

Mr. Renaud: I did a spreadsheet and surveyed the whole area. There is a lot of work in that area.

Mr. Rapozo: These guys have been asking for a long time. I think that goes to Councilmember Yukimura's question. How does one get on this list if they are not on the list? Some of these people have been waiting for a very, very long time. Obviously, I am going to support Ola Road but for the community, how does one get on this list?

Mr. Renaud: Writing to the Administration and Public Works, and then we will take every concern that there is out there and look at our funds. That will be the only solution.

Mr. Rapozo: The public is going to say, "We did that. We have asked." We have asked for a long time about some of these really bad roads. That is the process?

Mr. Renaud: Yes, from what I understand.

Mr. Rapozo: Okay. Thank you.

Chair Furfaro: Okay. I am a Searider. I am not a Waimea High School alumni, but I want to make sure—this road services the sports fields, the tennis court, the gym, some student parking, and the new police substation?

Mr. Renaud: Yes and there are a few private residents in that road.

Chair Furfaro: JoAnn, you have the floor.

Ms. Yukimura: Yes. Just taking off of what Councilmember Rapozo has said. That is our concern. It is not only Waimea that has bad roads. It is island wide and we have been looking for years for a system that is going to sort this through. Also, it is about enough funding. I am afraid that if you do a real analysis of all the roads, you are going to need far more than you have been getting. It may be one of the reasons that you are asking for this increase in the fuel tax, but we need to know what your system is and that is the reason for my questions during Budget. We are waiting for the information that you are going to send to us, and maybe I was reading back my notes. I see that you said last year, five (5) years to fully implement. Whatever that is, we just need some clear timetables and answers. Thank you.

Chair Furfaro: Did you have an answer to her statement?

LARRY DILL, P.E., County Engineer: Yes. Good morning, Larry Dill, County Engineer for the record. I would just like to make a comment in response to some of the discussion. This request is an exception to the rule. We are moving towards a system whereby we would do an overall comprehensive analysis based on our inspection and determination of conditions of the road. Because this project came from the Kaua'i Police Department, we look at it in the light of a public safety issue and also of a new project. The Easter Seals renovation that they are doing to that facility, that why it was not included in the original scope. This sort of request is an exception to that mode that we are moving towards.

Chair Furfaro:

Mr. Hooser, you have the floor.

Mr. Hooser: This is an exception so that addresses that part, I guess. You said there are funds available. That is for the fiscal year we are in right now?

Mr. Dill: The current Islandwide Resurfacing Program was funded out of fiscal year 2012 in CIP Budget. The question came up if the bids came in lower and Ed was speaking in terms of the contract amendment for this particular scope of Ola Road, but the original bid came in less than our appropriated amount. If you look in our fiscal year 2014 CIP—I am sorry. It is not in the CIP because we are moving Islandwide to "Operation and Maintenance." Any funds that rolled forward from previous years will be subject to the overall program instead of on an individual case by case request basis.

Mr. Hooser: The funds for this particular road will come out of the Budget that we are in right now or the next Budget that we are working on right now?

Mr. Dill: No, it will come out of—originally it was Fiscal Year 2012 CIP and rolled over the Fiscal Year 2013 CIP.

Mr. Hooser: Okay. Fiscal Year 2013 is this year.

Mr. Dill: Correct.

Mr. Hooser: Okay. We are looking at—I thought not doing any repaving and letting the funds build up for two (2) years...

Mr. Dill: Right.

Mr. Hooser: But this is not part of that package. This is part of this year.

Mr. Dill: Correct.

Mr. Hooser: The rationale was that we would get a better price if we hold them all together and we do it.

Mr. Dill: Correct.

Mr. Hooser: We are not doing that now. We are doing them piecemeal now?

Mr. Dill:
piecemeal but I would...

I guess you could characterize it by

Mr. Hooser:

As they come up?

Mr. Dill: In this particular one, this is an addition to the original scope. I would not characterize it by piecemeal because it is contract change order to an existing contract that we did have with the paving contractor doing the work under Fiscal Year 2012, Islandwide Resurfacing.

Mr. Hooser: After these funds are expended, assuming that it passes, how much remains in the fund for other roads that we might want to make exceptions for?

Mr. Dill: I do not know what that number is off the top of my head but remind you that in the Fiscal Year 2014 CIP, we are planning on zeroing out whatever that line item is in order to comply with the Auditor's recommendations.

Mr. Hooser: Right, but still we would have a balance after this road?

Mr. Dill: Yes.

Mr. Hooser: Is it less than one hundred thousand dollars (\$100,000)?

Mr. Dill: I would think that it would be more than that.

Mr. Hooser: If you could get that number, that would be a good number to have.

Mr. Dill: Okay. I can get back to you on that.

Chair Furfaro: Let me go back and give everybody some clarity here. They did not pave roads for two (2) years. The third year that sometimes Glenn refers to is the fact that the Council gave them an extra million dollars. Now, I see Glenn shaking his head in agreement with me. We had that money for whatever reason, and you are going to accelerate we put in some extra money. I think Mr. Hooser's first question is, from 2012, we are carrying over funds that existed in the 2013 Budget. That is about a quarter of a million dollars of which you want to spend one hundred ten thousand dollars (\$110,000), right? It is very clear that is a fair question. What will be the balance in that account after this is spent? The number came in at one hundred eleven thousand dollars (\$111,000). That is the question. Can you tell us?

Mr. Dill: I do not have the number in front of me of what was in the fiscal year 2013 Budget but basically, it should be whatever the appropriation was in fiscal year 2013, less the hundred eleven thousand dollars (\$111,000) that we are proposing for Ola Road.

Chair Furfaro: Can we send it over as a question so you can give us the balance?

Mr. Dill: Certainly.

Chair Furfaro: I think we would all like to know. JoAnn.

Ms. Yukimura: Whatever lapses at the end of this fiscal year would go back into the Highway Fund Balance?

Mr. Dill: Yes.

Ms. Yukimura: We do not know what that is until we end the year.

Mr. Dill: Correct.

Ms. Yukimura: Or we do not even know for six (6) months.

Chair Furfaro: We will know. That is the question I am sending you, right?

Mr. Dill: I am sorry. Specifically for the Islandwide Road Resurfacing line item, yes.

Ms. Yukimura: But not on what the Fund Balance is?

Mr. Dill: Correct.

Ms. Yukimura: Okay. When we get this software system of identifying roads that need repaving by priority, why would you have anything left from a contract if you would just have them go down the list of priority? If it comes in less than you think, there would be additional roads that were in the priority list that would just be thrown to use up the lower bid.

Mr. Dill: If we are thinking along the same lines, you are right. When we prepare our initial list and if it gets blessed by Council, it is based on our estimates. Of course we then go get bids and find out what it really is. At that time, we make a determination if there is and find out if there are any additional moneys or if we are short moneys. If there are additional moneys, we could certainly at that time expand the Scope of Work of the contractors, add roads, come back to the Council, and go through that process. We would theoretically use up every dollar that we have available to us.

Ms. Yukimura: Okay. Thank you.

Chair Furfaro: I am going to recognize Mr. Kagawa but I want to remind everybody that the agenda item here leads us to want to know what the balance is afterwards, but how we are going to spend it going forward is not an agenda item. We want to know the balance. Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Mr. Chair. Do we know when Ola Road was last paved? I have driven it recently and it looks like it has not been paved probably since I was going to high school. I think Richard agrees with that.

Mr. Renaud: We survey all of the roads and we try to go back in history of whatever we had in files. Some of the roads—I think Ola is one of them that we do not have when it was last resurfaced. That is why with this program that will be coming on board, if we do not have anything and if there is nothing we can research, then we are going to have to start with this.

Mr. Kagawa: It kind of confirms of what me and Lieutenant Rosa suspected which is that this road probably has not been paved since maybe even the 70's. I have another question. In the left field area of the baseball field, there is parking area. Is that State or County?

Mr. Renaud: That is State.

Mr. Kagawa: Okay, so we are not touching that. Those are in pretty bad shape as well. I was just thinking if the contractor is going to be there and pave that road, they can just repave that but it is not our property.

Mr. Renaud: Correct.

Mr. Kagawa: Okay. Thank you.

Chair Furfaro: Are there any more questions on Ola Road directed at the engineering people? If not, thank you gentlemen. Is there anyone in the audience who would like to testify on Ola Road, not on the general scope and so forth? Please come up.

Mr. Mickens: Thank you, Jay. For the record, Glenn Mickens. On Ola Road in particular, I just have to comment on congratulating Larry and Ed for now using American Association of State Highway and Transportation Officials (AASHTO) standards to pave these. Obviously, it is going to cost a considerable amount of money upfront to pave the roads if they do it properly, but those roads are going to last twenty (20) to thirty (30) years instead of having potholes in a year or so. We are going in the right direction. In paving, whether it is this Ola Road or wherever it happens to be, we are still going to have to have an inspector on the job to be out there to see that we are getting the AC that we are paying for. I have testified as you remember, Jay, many, many times, showing you sections of the road that we did not even have one and a half inches of asphalt. We paid for one and a half but we were not getting it. I can take you up to Hauiki Road right now and show you another piece of asphalt that came out of there. It is only about three quarters of an inch thick. Again, this is in the past. I realize this and I hope that we are going forward under Larry's good guidance. We are obviously going to need a much bigger Budget. It is costing two hundred fifty dollars (\$250,000) to three hundred fifty thousand dollars (\$350,000) to pave a mile of road. You divide those numbers by—even since we have not paved, I will say three (3) and you can say two (2). For at least two (2) years, we have not paved so we have accumulated about eight million eight hundred thousand dollars (\$8,800,000) in our Budget. Even with that amount of money, and it may be a good thing that it was not because now the roads are going to be paved properly and it will take more money to do it. As you keep on using those numbers and you are a numbers man, Jay, there is not enough money to do over eight (8)/ten (10) miles of road. You got the one million dollars (\$1,000,000) added one time and we did a few more roads but we are going to need that extra money because we are going to be doing it right, so and we are going to pave less and less roads. Somehow the Budget is going to have to be increased because they found Ola Road that needs paving. I

am sure that all of you guys...I can show you road after road that has not been paved in twenty (20) years or more. I am sure your constituents have probably told you the same thing, that our roads need repaving. In order to that, it is going to take money. They cannot do it. They have new methods to recycle it, take the asphalt off it, they have the machine that heats it, and they can go ahead and use that same AC, rather than using new AC to do it. Ed tells me, I think they were doing it ten (10)/fifteen (15) years ago on Oahu. We do not have such a machine, but a machine like that would obviously be a good thing to invest in, which is JoAnn's favorite subject of recycling our materials so we do not have to keep on buying new. All of these things definitely have to be taken into consideration, since it is Budget time. You are going to keep on getting phone calls from the people saying, "Why is my road not being paved?" The political aspect of paving roads has to be eliminated. I can cite other roads paved for political reasons, not because they need it. Olohena Road is five (5) miles long—I am getting off the subject, Jay. I am sorry. You have heard me on this subject for eighteen (18) years now and I am tickled to death that it is going in the right direction but you have gotten more problems, and I think the basic problem is Budget. You are going to have to give these guys more money. If they can get a machine to recycle stuff and do a better than that we are doing now, I firmly believe that you are going to have to come up with that money in the Budget somehow.

Chair Furfaro: Glenn, before you go, I want to make sure it is not like every road has a seven (7) year lifespan. This one, I guess Ross gave away his high school graduation year but the reality is that the road is supposed to be measured and documented by the time the exposure the road gets and the amount of activities, depending on what type of a road.

Mr. Mickens: Sure.

Chair Furfaro: I hope that is being calculated as such. I just want us to keep that in mind.

Mr. Mickens: I agree one hundred percent (100%) with that. The only way it gets measured should be the usage of the road and the condition it is in when you pave, not because somebody calls the Mayor and says, "My road needs paving." It has got to be in those...

Chair Furfaro: Time, exposure, and activities.

Mr. Mickens: Exactly. I one hundred percent (100%) agree with you.

Chair Furfaro: Do you know this road by the baseball park in Waimea?

Mr. Mickens: No, I do not. I am not familiar with roads out there. If Ross said it needs paving, I am sure it needs paving.

Chair Furfaro: Okay.

Mr. Mickens: The other one, the transfer station; I just talked to Troy about it. It is only a couple hundred feet, but trucks use it and it is in horrendous shape. It seems that the two (2) departments have to get together about who is the one who is going to pave it. Troy just assured me he would address

the things because those guys were talking about these huge trucks that take the trash up there and half of it is dirt and when it rains, the stuff washes down. That is just another problem.

Chair Furfaro: Okay. Thank you for your testimony. Did anyone else want to speak on this particular road? If not, we will call the meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Let us make note that this number is now \$111,000, not \$110,000. Members, are there any discussion?

Mr. Kagawa: I know this is going to open up a lot of thoughts as to why this road and not other roads but when it comes to road resurfacing, it is hard look good as a County official. Mr. Rapozo and I just went out to Kekaha the other week. We saw the main roads paved and it looks beautiful, but the side streets are not done. I am told that they will be done. The side streets are horrible. Just the main roads are the ones that are beautiful. It is the same thing up in Hanapēpē Heights. I just was there last week. The main road was paved while the rest are like speed bumps with grass going through the roads. I guess we cannot do it. These are some tough times budget wise. The way I look at this Ola Road project is that a lot of times when they get the 911 calls, it is seconds whether sometimes they save lives or what have you. I look at this for the police officers as their runway to get to their destination. They have to have a nice, smooth runway. It may save a few seconds and it may save lives. I will be supporting this request. I am very happy with the Westside police officers having this new facility.

Mr. Bynum: Thanks for the presentation today. The key thing for me here and is something that I have advocated for a number of years is that "which roads get repaved" be decided primarily by Public Works, based on objective criteria. We are moving to that direction. If there are exceptions to those objective criteria, it should be like this one was. This is an exception for these pressing reasons. That way, it is transparent and everybody understands that it was not a political decision. I am very supportive of this and I think this process of saying, "Here is why we are going off the objective criteria and here is the community reasons and benefits," is the proper way to do that. Thank you.

Chair Furfaro: Okay.

The motion to approve C 2013-153 in the amount of \$111,000 was then put, and unanimously carried.

There being no objections, item C 2013-156 was taken out of the order.

C 2013-156 Communication (04/02/2013) from Council Chair Furfaro, requesting the presence of the County Engineer, Deputy County Engineer, Environmental Services Management Engineer, and the Environmental Services Officer to discuss the feasibility, the associated costs, and process to hold a proposed workshop on the potential new landfill and Resource Recovery Park site in May 2013.

Chair Furfaro: I believe I received a communication on this subject matter from the Administration. I would like to have it read please.

CHRISTIANE NAKA-TRESLER, Legal Analyst: Mr. Chair, it is dated April 9, 2013 and it is signed by the County Engineer and the Mayor. It says, "Dear Chair Furfaro and Members of the County Council, Inconsideration of the referenced workshop requested by the County Council, the Administration notes that the discussion at Council during Budget discussions led to areas which are not within the scope of work of our consultant who is conducting the EIS for the new landfill and resource recovery park. Arrangements can be made for a workshop along the lines of your February 7, 2013 communication to AECOM, in which you requested "an in-depth discussion of the draft feasibility study for the new Kaua'i Landfill & Resource Recovery Park," but if members of the Council wish to go beyond that area, our consultant will not be in a position to respond, having not been contracted to address that scope of work. As we are aware of comments made at Council suggesting a new area of scope of work, our Procurement Officer has alerted us that additional services would have to go through the appropriate procurement process should the Administration wish to proceed in that area."

Chair Furfaro: Thank you, Staff, for responding quickly to that. May I ask for Larry to come up with his team? Larry, based on the sharing of the letter that I received from yourself and the Mayor, you are fine with us having the May 2nd workshop?

Mr. Dill: We have not scheduled it yet, but generally speaking, we are fine with having the workshop subject to when we can schedule it, yes.

Chair Furfaro: I thought I got a confirmation for May 2nd?

Mr. Dill: I am sorry. Yes, I guess the question mark that still remains in my mind is the participation of the Resource Recovery Park (RRP) expert from Canada.

Chair Furfaro: Yes, I will pursue that. First, I want to confirm that I did get a confirmation that May 2nd would be the date we are following? I did get one, okay. When you are sixty-four (64), sometimes you forget where you read things but you confirmed. We are shooting for May 2nd. From my discussions with the consultant, have we made any progress on understanding what a workshop like that would cost and what is available to us? I got a number of ten thousand somewhat dollars.

Mr. Dill: The proposal that was sent by the consultant is still what the proposal is.

Chair Furfaro: The question might be with Director of Purchasing—to have the workshop, I have to commit to that kind of money? Is that something that we modify the existing agreement if we even agree to that kind of money?

Mr. Dill: We would issue a contract change order to the consultant and it would be consistent with his proposal to provide more time for more in-depth discussion of the work that they were doing.

Chair Furfaro: They have not changed their position on...

Mr. Dill: On costs?

Chair Furfaro: Yes, on costs.

Mr. Dill: That is correct, yes. I would add, Chair, that May 2nd is certainly the date that we projected, but today being April 10th, if we wanted to have that consultant present, it may be challenging now. I do not know if we could confirm that he will be available. If the Council wanted to go ahead and hold the workshop, schedule it, contract it, I would work with them immediately to see that would happen as best as we could within our ability.

Chair Furfaro: Okay. On that note, that is what I have been working towards. Those are the facts as presented to me by procurement and by the Engineering Department. Those are the costs that they gave us in writing. Let us open this up for some questions. JoAnn, you have the floor.

Ms. Yukimura: We have asked for a copy of the AECOM contract. In as much as the scope, the contract is in question so I would really like to see the contract, especially the scope of work. Can that be made available later today? We have asked for it before.

Mr. Dill: Yes.

Ms. Yukimura: Okay.

Chair Furfaro: Excuse me, let me do a follow-up. Why have we not received that? I think this is the second request we made for the contract.

Ms. Yukimura: Third maybe.

Mr. Dill: I apologize. I thought that was responded to already and if it has not, I will follow-up today when I get back.

Chair Furfaro: We are going to have to take a break by 3:00 p.m. to handle some Executive Session items. Can I be specific and see that contract when we come out of our Executive Session by 4:00 p.m. today?

Mr. Dill: Yes.

Chair Furfaro: Thank you. JoAnn, you have the floor.

Ms. Yukimura: I am just checking with Staff. I do not want to be mistaken if we did get it. Scott, did we get the AECOM contract? Okay, so as far as we know, we have not received it. May I continue with some questions?

Chair Furfaro: Yes, I said you have the floor. I just wanted to clarify the point earlier of the request.

Ms. Yukimura: This meeting where they showed up to talk about the feasibility and they have been talking in the community about the feasibility study; to me, they did not fulfill those requirements when they came this last time because we asked them, "Why did you not talk about the feasibility study

that you have been talking about in the whole community." I do not know what his answer was but—to me, we should tell them they have not fulfilled that requirement of the first meeting.

Mr. Dill: Councilmember Yukimura, I am not sure I agree with you about whether they fulfilled their requirement. We scheduled them to come over on that day specifically because we knew the Resource Recovery Park consultant they had would be present on the island. We requested Council to give us a lot of time to discuss it at the meeting. At the meeting, it was decided that we would do this in a separate workshop so the discussion got cut short.

Ms. Yukimura: No, it was decided that we needed a separate workshop because they had not addressed the question in that whole presentation that they made. We can look at his PowerPoint and we can see it was just a list of Environmental Impact Statements (EIS). It was an Elementary term paper. I asked the question, "Where is the Feasibility Study? Have you discussed it?" He said, "We did not think we should take your time," or something like that. We can go back to the minutes.

Mr. Dill: We did schedule him here and we had the time to do it at that point.

Ms. Yukimura: You folks should have made sure he did that as the manager of the contract.

Mr. Dill: If you wanted to ask more questions, that is why we had him available then, Councilmember.

Ms. Yukimura: We asked the questions and he did not have the answers. It is my opinion that he did not—I am looking at this draft scope of work for the workshop—anyway it says, "The current landfill, resource recovery park, Environmental Impact Statement Project #8561 includes our team's presence at two council update meetings, the one already conducted on January 30, 2013 and another anticipated on or about the date of the publication of the draft EIS." He did not discuss the feasibility study.

DONALD FUJIMOTO, Environmental Services Officer: At that meeting, they were prepared to get into the in depth presentation of the Resource Recovery Park but they did not have the time to do that. Maybe there was a miscommunication...

Chair Furfaro: Excuse me, I want to correct something here. We gave you four (4) hours. I want you to show me something that you said to me which was "to provide you with a long period of time." We gave you four (4) hours. The Council agenda is the Council's agenda. The Council agenda is controlled by the Chairman. Four (4) hours is half of a day for our meeting. The next posting we got from you was only about the vertical expansion. Let us be very clear. Which are we talking about? The four (4) hours that we allocated a few weeks ago, to me, is ample time. If you wanted the whole day, we should have posted a special meeting. I want to make sure I am clear and I am getting clear with the Administration. The Council controls the agenda. By policy, you are supposed to give us ten (10) days of notice when you request something. I put things on the notice for you folks that come the day of the posting. Could you first clarify what we did not have enough time for?

Mr. Dill: Chair, that is an excellent point. When we sent the communication over, we requested a lot of time on the agenda and I do not disagree with you that four (4) hours is a lot of time. In our opinion, that would have been ample time but apparently, it was not ample time. The consultant was prepared to stay longer, as much as the Council needed that day to address as many questions as could. I do agree that four (4) hours is often plenty of time. Unfortunately, in this circumstance it was not. I do appreciate your consideration in giving us that amount of time on the agenda. I know that is a lot of time.

Chair Furfaro: Okay. Let us not backtrack to that anymore. Donald, you were responding to a question. My apologies for interrupting but I wanted to make clear that we provided an ample amount of time in my opinion.

Mr. Fujimoto: I apologize if we had a misunderstanding but as Larry mentioned, the consultants were fully prepared to get into another presentation on the RRP.

Chair Furfaro: Okay. JoAnn.

Ms. Yukimura: I am asking for the minutes of the meeting of January 30th. You guys have a copy of his PowerPoint presentation. I do not think that it discussed the feasibility study and when I asked him why he did not present the feasibility study he said...I do not know what answer he made but he acknowledged that he did not present it.

Mr. Dill: I do not have the specific discussion in my head, Councilmember, but my general recollection of the meeting was that they went through the feasibility of each particular proposal of each component of the RRP and presented that at the meeting.

Chair Furfaro: I need to interrupt and say that I will pass this onto you, Larry. I am thinking exactly like JoAnn to look at the minutes but also the presentation. The presentation really dealt with the resource recovery facility. That is the only mention of it in the portion of the feasibility study. There is background and so forth but this is all covering what was about a forty (40) minute presentation of the four (4) hours, so let us all take a timeout here and revisit what we got. Let us not rehash that, okay. We have to be more specific and I think ample time was given. It is not covered in that kind of detail in this PowerPoint, which I will give you a copy of now so you can take a look at it. Let us stay focused on this agenda item about the workshop. JoAnn, would you yield the floor to Mr. Hooser? Mr. Hooser, you have the floor.

Mr. Hooser: It is kind of a basic question that if the County or Council believed that the presentation was insufficient and therefore did not comply with the requirements of the contract, does the County have—are there provisions in the contract to make them do it again? Can I ask them to do it again? There seems like there are three (3) parties. There is the Council, the Administration, and the contractor. The Council clearly seems to feel that the presentation was insufficient. The Administration seems to be defending the contractor, and the contractor is not here, the vendor. But if in fact, it was not sufficient which I believe it was, are there provisions in the contract to say to the vendor “that was insufficient and we would like for you to do it again for free.” Not free, but for what we have already paid with no additional costs. That is a question.

Mr. Dill: Generally speaking, whenever we have a contract with any party, if we feel that they did not live up to the terms of their contract then we would absolutely address that with them depending on the case by case situation to have them to perform up to the requirements of the contract. I can tell you from the Administration's position, we feel that they have met the terms of the contract. I know the Council has some concerns. My understanding to those concerns is that they are not related to the scope of work that the consultant was asked to do.

Mr. Hooser: I disagree with that. You heard the discussion by the Chair and Councilmember Yukimura on the feasibility study. I will disagree on that. The contract provisions, since we have not gotten a copy of the contract yet, is that specifically to provide the Council with consultation?

Mr. Dill: The contract required that they provide a presentation to the Council with a status update on their efforts.

Mr. Hooser: Okay. Seeing that the Council would then make a determination of whether that status was sufficient or not is my point.

Mr. Dill: The contract is not with the Council so since the contract is with the Administration, it is the Administration who manages the contract.

Mr. Hooser: Right, but the provision applied to the Council. I understand the Administration administers contracts but I also believe that it was insufficient, and that we should have a remedy available to the Council as well as working in cooperation with the Administration. If the Council goes to the Administration and says, "This is insufficient." In my opinion, it would be nice to have some support from the Administration. Thank you.

Chair Furfaro: Mr. Rapozo, you have the floor.

Mr. Rapozo: I do not know if "insufficient" is the proper term. I do not agree with everything the consultants said and I think that is probably more of the issue of whether or not we agree with the consultants' report. I think they came, they did a study. They did a feasibility study, presented, and we had a lot of opportunities to ask a lot the questions. A lot of questions were answered in ways that some of us did not agree with. Whether that is insufficient, I do not know. Maybe to some Councilmembers. I would not say it was insufficient in my opinion. I will say that it appears to me that the—which is typical of all feasibility studies. It is geared and it is conducted in a way that is going to be favorable on the direction of the hiring authority, whether it is the Administration or the Council. That is just the way these things work. Gary, you probably saw this many times at the State level. That is what has occurred so far. They did the study. They have a draft. They came here and presented the draft. Some of us may disagree, but the resolution to this... I guess we could sue them, and say, "Hey, we want you to come back on your own dime," which would cost us more than the cost of the workshop to do. I am trying to figure out if there is a way—and this is probably for our Clerk to research. Is there a way to have a workshop done remotely? Is there a way that we can utilize the technology of today? Equal Employment Opportunity Commission (EEOC) has the capability. The State building has the capability. We should have the capability. In the backroom, I

know we have cameras all over the place but I do not know if it works. There has to be a way we can have the consultant in Canada—the expert in Canada, the consultant in O‘ahu, the Council on Kaua‘i, the Administration, and the public utilizing the technology. I know there are some posting requirements, Office of Information Practices (OIP) issues, and Sunshine Law issues. It is pretty ridiculous what we have to do. We have to post in the area that that person is going to testify from, but that is something worth looking into because I have participated in some conferences or workshops where it is all done online. The PowerPoint is conducted and it is live. It is just that one party is in one place—and yes, we will have to pay for their time. I do not think it is worth challenging but I would respect the request of Councilmember Yukimura and Councilmember Hooser. If they are not satisfied, we need to get them back here somehow. I think to pay ten thousand dollars (\$10,000) for another workshop is insane. That would be my question and really it is for the Clerk and Staff to research with OIP on what would be the requirements to have it in a venue. I do not think Information Technology (IT) would have a problem getting this facility wired so that we could have that happen here. It would be live. The only difference is that we cannot touch them, but we can talk to them and we will have the interaction as if they were here.

Mr. Dill: We would be happy to set that up as long as it could be set-up from the Council’s side with all of the legalities, but we would be more than happy to cooperate.

Mr. Rapozo: My only concern is the Sunshine Law because there is that requirement. I do not anticipate anybody in Canada lining up wishing to speak on this matter. I am just trying to facilitate a way that we can have it. Thank you.

Chair Furfaro: I am going to ask Amy to come up for a moment, please. Amy, there are really three (3) parts here. Number one, by 4:00 p.m., we urgently want to have a copy of the contract to look at and we would like someone from the County Attorney’s Office to participate in that discussion with us. Secondly, I am not sure...I know that we have clearance at this point to actually have videoconferencing from the Council. There was a letter that we wrote to Hawai‘i island because they have videoconferencing from the Kona side to the Hilo side, but there is a condition in their rules. I thought we had best check on that. We went as far as a telephone conference without a decision process or anything with the phone, but not with videoconferencing. We are a little bit behind the 8 ball on that, I think, because we have those facilities now but we do not have it in our rules. Number three, I do not need this discussion to go on all day today. I need to find out a review of that contract that would allow the Council to amend the contract because I think Larry is correct. The Council does not enter into agreements or contracts for consulting services like this. It is the Administration’s responsibility. If we can determine from the rule what options we have, I will take lunchtime to look at finding any money for this in the Council Rules, but it would not be the Council who is amending the contract. We would expect Engineering to work to amend the contract if that is where we are going, with the understanding that we would transfer money to cover the costs from the Council fees. I want us to learn a very big lesson from this and have a better understand going forward. At what point are we satisfied with work? At what point are we satisfied? Some of those things we can do today by getting the contract, reviewing it, looking for some money if we enter into an amendment, and having the contract amended with the money being transferred from the Council, but we have a lot of work on that. There is no need to beat around the bush on how much time they had and what was

provided to us because we all seem to have a very different understanding. I do not think we are going to do anything but raise people's blood pressure today. I would like to say for the rest of this period that I would like to take public testimony if there is any, and maybe come back to this item after we have had our first look at the contract. We have a very, very full schedule today for that reason. Go ahead, Amy, you were going to say something?

Ms. Esaki: I will obtain the contract and take a look at it and then we can get back and discuss it with the Council.

Chair Furfaro: Maybe Ernie can come up here right now too, but I think I explained the process, if I am correct, that if the Administration is not going to give us any money to have a workshop and if I found it from our Budget—I do not care if it is taking travel money from me or what but if I found that, we could amend the contract and transfer money to the agency. Do you feel that is correct in procurement? Are you the procurement authority now or is it Ernie?

Mr. Dill: No, Sir. I would like to add just one thing before Ernie answers. We do have a budget for this and we would be happy to accommodate Council's request. In my communication, I was trying to clarify what the scope of the workshop can be.

Chair Furfaro: That is my whole point of what I was saying. I was going to take my travel budget here so that the next time I need to call the Governor, I would have to tell him on my dime because I have got no travel money anymore. Boy, I got to where I wanted to be. You do have some money if we come to that point?

Mr. Dill: Yes, as I have indicated in the letter that was read this morning. If it was along the lines of your communication on whatever that date was we can do that.

Chair Furfaro: Ernie, you can return to your seat. What I would like to do here before we break for lunch is that I would like to be able to see if we can ask Amy a few more questions. I think you got the jest of my point, right? Let us look into the contract, see if we can find some money to do this, and amend it for the workshop. We all learned a lesson that the Administration does not control the Council's agenda. That buck stops right here. JoAnn.

Ms. Yukimura: I have a copy of the January 30, 2013 minutes. I asked Mr. Cioffi, "If you want our feedback on the draft feasibility study, why did you not present it today?" Mr. Cioffi replied, "Well, the reason—and we could have done that in the last two (2) nights we presented it for the County, but there is a lot of information in there. We did not think you wanted to listen to us for two (2) hours." I said, "Why? I would have preferred knowing more details than just this list of generalities. How much are you being paid for this work?" He said, "The overall contract is one point eight million dollars (\$1,800,000)." I have asked how much was paid for the feasibility study of the Resource Recovery Park and how much was paid for the landfill. I have not received answers to that question yet. He is saying that "he did not present the feasibility study to you today at this meeting."

Chair Furfaro: We reflect back here on this item and I just want to say again, where we are at, we have some time to discuss this but I am

looking now for you folks to consider amending the contract and I am also looking for the fact that whatever is negotiated for the workshop, you will have the funds for. For the record, I need to hear a "yes," not a nod of the head.

Mr. Dill:

Yes.

Chair Furfaro: Very good. I am going to ask the two (2) of you if you can empty the seats. We did post this and we to take public testimony. Larry, we are going to ask to receive the item. Is there anyone here today that would like to give testimony? Come right up. Before you start, I just want to say thank you very much to Larry and Donald.

There being no objections, the rules were suspended.

BONNIE BATOR: *Aloha.* I appreciate the opportunity to comment on this briefing between AECOM, DOH, and the County of Kaua'i regarding the Kekaha vertical expansion. I will stick something in there for the second reading of Bill No. 2473.

Chair Furfaro: Excuse me, for the record, you do have to state your name again.

Ms. Bator: *E kala mai.* My name is Bonnie Bator. I live in Anahola Village and *mahalo* for this opportunity. *Aloha.* I appreciate this opportunity related to the vertical expansion of Kekaha Landfill and I urge an amendment to Bill No. 2473, mandated recycling, establishment of task force, and incentives for those who recycle and fines for those not in compliance. That is a win-win situation. That has not been addressed in my last two (2) comments before this Council on Bill No. 2473.

On Sunday, April 7th on Page A4, The Garden Island published a piece "More Trash Talk. Consultants say Department of Health (DOH) concerns triggered landfill's vertical expansion option." After reading the article about the bull crap between AECOM, the County of Kaua'i Administration, with the State Department of Health was alarming. The article reported "Admin has used previous moneys for Cell II for other projects." What projects? Further into the piece it stated that the Administration offered to fund a position at DOH to expedite the permits for Cell II. The response by DOH, they could impose "levying a fine on the County of Kaua'i." First, DOH's duty is to uphold health and scrutinize proposals that could impact groundwater. Clearly, it appears that AECOM and the Administration wants to fast-track without true concern for the environment. What the hey? Administration is trying to push this project through. Those folks will not even be in office if a disaster happens, if it is not done correctly. Not to mention that AECOM is in Honolulu, Canada, or the mainland. It would be the people that live off and on Kaua'i and love it that will be dealing with the ramifications. It could be grandchildren or great grandchildren who bear the cancer or developmental disabilities if this project is fast-track. Secondly as the article stated, the Administration offered to fund that position at DOH. My question is, "Where was that money supposed to come from?" From the continued new taxes that are tacked onto vehicle registration, property taxes, and also gas? Does the Administration realize that taxpayers are struggling? Many Hawai'i Government Employees Association (HGEA) employees have taken pay cuts. Lots of other jobs do not pay that much. The cost of everything has gone up. The price of gas is skyrocketing as well, and inflation is happening. Did the Administration not just get a pay raise? I

know that the Kaua'i County Council approves the funding of vertical expansion which increases the landfill height to one hundred twenty (120) feet, until Cell 2 is ready to receive to rubbish. Understandably, there is pressure to act as rubbish is out of control. There needs to be somewhere to put it. Recycling was brought up decades ago. No one but Councilmember JoAnn Yukimura kept pushing for it. It is nearly 2014, and people are still willing to sacrifice, forfeit, and compromise future generations through ignorance, neglect, or denial. Mandated recycling please. *Aloha 'āina and mahalo.*

Chair Furfaro: Thank you for your testimony. I am not sure if that was The Garden Island who reported that, but they reported as somebody's editorial. I need to correct a couple of items that are in there. There has not been any pay raises. Accordingly, the Council took them out. Perhaps, they got that confused with the State Legislature or the City and County of Honolulu. It is what it is if that was in the article or someone's editorial. Thank you for your statement. I want to make sure you are clear, Bonnie.

Ms. Bator: One question though.

Chair Furfaro: You cannot ask questions. I can ask questions.

Ms. Bator: I am sorry.

Chair Furfaro: I am calling you back up.

Ms. Bator: Was I correct about that they are putting taxes on gas in the new Budget?

Chair Furfaro: Yes.

Ms. Bator: Okay, very good.

Chair Furfaro: But I did not challenge you on that, Bonnie.

Ms. Bator: No, I was just...

Chair Furfaro: I challenged you only on the pay raise.

Ms. Bator: I know you are not challenging me.

Chair Furfaro: Let me ask a question that I wanted of you. Did you understand what we are trying to do now? We are trying to negotiate this future workshop.

Ms. Bator: I understand that.

Chair Furfaro: We will not know about that until probably towards the end of the day.

Ms. Bator: Very good. *Mahalo.*

The meeting was called back to order, and proceeded as follows:

Chair Furfaro: You are welcome. Is there anyone else who would like to come up and testify? Members, I think you all understand how we kind of summarized this. I will just do it at the close of today's meeting so it is on the record. Amy will be looking at some items for us today. I would like to actually move to receive this item and when we have a chance to get some information from Amy, we will come back to this at the end of the meeting. Go ahead, JoAnn.

Ms. Yukimura: I will move to receive but not act on it until we get all the information from Amy.

Ms. Yukimura moved to receive C 2013-156 for the record, seconded by Ms. Nakamura.

Ms. Yukimura: I do want to say something.

Chair Furfaro: Go ahead.

Ms. Yukimura: I think Councilmember Rapozo hit the nail on the head when he said that "feasibility studies are not feasibility studies in this County. They are justification studies." I believe Mr. Dill said that feasibility study was the question that it was supposed to answer and I wish I had my notes here so if I am paraphrasing it, I am sure he will correct me if I am wrong. The feasibility was whether resource recovery activities are feasible at that site. That is not the question?

Chair Furfaro: Larry, why do you not please come back up? The rules are suspended again. It is so important for us to have a good understanding and good information.

There being no objections, the rules were suspended.

Mr. Dill: For the record, Larry Dill, County Engineer. Just to clarify a little bit, it was for our consultant to review which waste diversion activities were feasible to conduct at a Resource Recovery Park located at Mā'alo. That is my paraphrase of the contract.

Ms. Yukimura: How do you define feasible?

Mr. Dill: I do not have a definition for that.

Ms. Yukimura: That is the key question though. I hope you know what question you are asking.

Mr. Dill: Yes.

Ms. Yukimura: Okay, I am ready to finish my statement. Thank you.

Chair Furfaro: Go ahead.

Ms. Yukimura: The question is being answered by the consultants, AECOM, under contract to the County is "which activities were feasible at the landfill site? Which recovery activities or recycling, reuse, are feasible at the landfill site?" I probably could have answered that question for five

dollars (\$5). Most of them are feasible, but the definition of feasible then becomes a key question. To me, the question we should be asking is whether that place is the best place for each of these activities. We do not have money to put it everywhere. We have to ask "where is the best place to put it?" That question was not asked. I want to know how much we paid AECOM for the feasibility study to answer a question that we did not ask.

Mr. Rapozo: I am not sure where it is going to go if it is going to be in my Committee or Committee of the Whole but I just want to make sure that if we move forward on this, we address the feasibility study and not what we should have done. We did hire the consultant to do a feasibility study on the Resource Recovery Park and the landfill up at Mā'alo. Whether we agree or disagree on that is where it should be or it should not be, that is what they were hired to do. What I am saying, Mr. Chair, is that I do not want to sit through another four (4) to six (6) hours of a debate between Council and the consultants on why we should pursue recycling versus the Resource Recovery Park. I do not want to do that and I am not going to participate in that. If we are going to bring them down and spend ten thousand dollars (\$10,000); again, whether we agree or disagree, their job was to determine the feasibility on what is supposed to or what we would like to see or the Administration would like to see happen up at Mā'alo. I am more than happy to participate but I do not want to get into a debate again. "What about recycling? What about mandatory, statutory changes? What about regulatory..." That is not what the feasibility study was contracted for. It was to contract the feasibility of these different components of the RRP up at Mā'alo and the landfill. If we want a discussion on alternatives, then let us do that. Let us hire another consultant who will tell us what we want to hear. JoAnn, you are painfully correct that the feasibility study is exactly what you called it but that is not limited to Kaua'i. That is not limited to the County of Kaua'i. They are hired guns. That is what they do.

Ms. Yukimura:

Yes, but they are managed.

Mr. Rapozo: Once the contract is issued, then they are on their way to do the feasibility study as they were hired to do. Council Chair, I do not mean any disrespect for anybody here. Like I said, I do not agree with some of the things that came out of there as well. I am not going to sit here and try to convince the consultant, who has done their feasibility study, that they are wrong. They are the consultants.

Chair Furfaro: Your point is well taken. Our job is to except the feasibility study for what the consultant was supposed to have the professional understanding of the needs. I do not want this discussion to go on and on, and on. We are going to have some information, and then we can move on at the end of today because all we have right now is a motion to receive. We will take action after we get some information. I will let you speak for one more minute, JoAnn. Then, I am ready for lunch.

Ms. Yukimura: Thank you. I totally agree with Councilmember Rapozo that it is a waste of time and money to discuss a question that is irrelevant or not really the pivotal question we need to ask in order to make our decisions. I will have a list of questions when we come back at 3:00 p.m. regarding this feasibility study...

Chair Furfaro: At the end of the meeting, not 3:00 p.m. specific.

Ms. Yukimura: I am sorry. At the end of the day, whenever we have to make our decision, I will have those questions ready so we can really look at them and see whether they are appropriate to have a workshop around.

Chair Furfaro: Okay, we look forward to that. Mr. Bynum.

Mr. Bynum: I have been watching this debate go back and forth and I think it is unfortunate because of where we are right now. It is really critically important to move forward. I do not remember what the vote was about the Resource Recovery Park but I think that it was reasonable to say, "Hey, we have this site available and to study what portions of a recycling program could be sited there." I also agree with JoAnn that the key question is, "Where is best place to put this?" Including that would have been nice but we just got contract. It has a Scope of Work. The Scope of Work is what is really important and maybe we should have a better mechanism to scrutinize that because some of the contracts that have gone out recently—when I saw the study come back, is like, "Oh, that was not what I expected when I voted for this kind of thing." It is reasonable to say if we are siting a landfill, what other kind of resource and things can be there. When we are going through process of acquiring land, I want to see that happen. I am a little concerned that we are debating about how much the contractor has to engage with us. I am surprised that one point eight million dollar (\$1,800,000) contract does not have a contingency where a relatively minor cost like that could have been handled. I think it is unfortunate we had a dialogue about that and I appreciate the Administration saying, "If that is your desire, we will make it happen." We need to site a landfill. We need to move forward with this so I am glad that we are coming to some consensus at the end about how to proceed.

Chair Furfaro: Can you just acknowledge me with a shake of the head, Ernie? It is in the rules of the County that with the exception of constructions, contracts cannot be issued with contingencies. Am I correct? Okay. You should all know that. If it is a construction contract, we can put a contingency in it.

Mr. Bynum: There is a big line item for Administration and Management, like one hundred sixty seven (167) or something and to me, whether you call it contingency or not, you have a one point eight million dollar (\$1,800,000) contract. You need to have some to move around ten thousand dollars (\$10,000), fifteen thousand dollars (\$15,000), or twenty thousand dollars (\$20,000)—whatever they call it.

Chair Furfaro: Your point was well taken. I just wanted to get clarity. I did not recognize you in the response but I wanted to tell you that that is an excellent way to evaluate it, as you described it. They practice—unless it is a construction contract, they put no contingencies in the contracts. On that note, we are probably going to extend this to the last item at the end. We all have some parts of the contract to read. We have public hearings at 1:40 p.m. when we come back. The motion is made to receive and we are going to take a recess. We will be back at 1:40 p.m. for public hearing.

There being no objections, the meeting recessed at 12:37 p.m.

The meeting was reconvened at 1:49 p.m., and proceeded as follows:

(Mr. Rapozo was noted as excused at 1:55 p.m.)

C 2013-151 Communication (03/05/2013) from Council Vice Chair Nakamura and Councilmember Rapozo, requesting Council consideration to release the County Attorney opinion dated February 21, 2013 relating to a legal review of the proposed draft bill regarding Electrical and Plumbing Workers: Mr. Kagawa moved to approve C 2013-151, seconded by Mr. Bynum.

Chair Furfaro: Amy, may I just ask you to come up? I want to get some confirmation. I do understand the request which was to release this opinion. Are there any further comments from the County Attorney?

There being no objections, the rules were suspended.

Ms. Esaki: No, there are no further comments. We are willing to release that opinion.

Ms. Nakamura: I would like to just point out that there is a new format that our Legal Staff put together to avoid having to go into Executive Session to release these opinions. I think this is the first time it is being used. The County Attorney has signed off saying they do not object in writing. I think a copy will be distributed to all of you.

Chair Furfaro: Amy, may I thank you and the Department for your work on procedurally allowing us to not having to go in and out of Executive Session for that purpose.

Ms. Esaki: Our pleasure.

Chair Furfaro: Thank you very much. Do you have any questions, Nadine?

Ms. Nakamura: I just want to thank Staff for coordinating that. Thank you, Yvette.

Chair Furfaro: Okay.

The meeting was called back to order, and proceeded as follows:

The motion to approve C 2013-151 was then put, and unanimously carried.

C 2013-152 Communication (03/12/2013) from the Director of Economic Development, requesting Council approval to allow the Kaua'i Independent Food Bank (KIFB) to redirect County Grant Funding in the amount of \$28,000.00 from its operating expenses item in the Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) Program budget to pay for personnel expenses in FY 2012-2013: Ms. Nakamura moved to receive C 2013-152 for the record, seconded by Mr. Kagawa.

Ms. Yukimura: I want to acknowledge the integrity and the credibility of the Food Bank. I understand that they came into some additional moneys that make this particular communication something we can receive. They

do not need for us to approve another twenty-eight thousand dollars (\$28,000) from the County. It is something I think other organizations may have just let it go through, but they are just being very honest. I just want to acknowledge the Independent Food Bank for that kind of action.

Chair Furfaro: I will share with you the fact that they had found other funds, but this also came from me reminding them that they could not use our money for the personnel.

Ms. Yukimura: Okay, I see. Thank you.

Chair Furfaro: Any further discussion?

Mr. Bynum: I met with the Mr. Ranger from the Food Bank and George regarding this matter and I am very please that they found a way to resolve this. I appreciate that. It really was about making sure that we continue the EBT program at the farmers markets. We have been kind of in a start-up mode, but I cannot think of something that has by better win-win like getting nutritious fresh food in the hands of people who have EBT, and then get a bigger market for the farmers. I really hope we can continue with this EBT program. Thank you.

The motion to receive C 2013-152 for the record was then put, and unanimously carried.

C 2013-154 Communication (03/18/2013) from the Fire Chief, requesting Council approval to apply, receive, and expend the Assistance to Firefighters Grant (AFG) Operations and Safety Program funds in the amount of \$495,228.00 to purchase ten (10) base station radios with ten (10) base station antennas, twenty-seven (27) mobile radios, one hundred seventeen (117) portable radios, and two hundred thirty-four (234) portable radio batteries: Mr. Kagawa moved to approve C 2013-154, seconded by Mr. Bynum.

Chair Furfaro: First of all thank you very much for your Staff's time in pursuing this grant. I just wanted to see if anybody had any questions of you since you were here. Any questions for the Fire Chief on this grant? Go ahead, Mr. Kagawa.

Mr. Kagawa: Thank you, Chief. Thank you, Mr. Chair. This is a grant that we are receiving from?

There being no objections, the rules were suspended.

ROBERT WESTERMAN, Fire Chief: It is from the Department of Homeland Security. It is out of the Assistance to Firefighters Grant Fund.

Mr. Kagawa: Especially in these past few months, there are various types of calls that our firefighters respond to. Obviously, communications is very important and it looks like we are going to upgrade some of our equipment in that area?

Mr. Westerman: Yes, Sir. This is actually part of the Project-25 (P-25) upgrade because of the upgrade to the system that is ongoing. Some of the hardware is going to outdated so to speak, so that is what this will do which is support the upgrade.

Mr. Kagawa: I just want to end by commending the Department and our Water Safety Officers. It has been quite a year that has gone by. We just had numerous occurrences and you have responded well. Thank you.

Mr. Westerman: Thank you.

Ms. Yukimura: Hi, Chief. According to the cover letter, the grants will be used and it is total of almost half a million dollars (\$500,000) to bring the Department into statutory compliance.

Mr. Westerman: Yes.

Ms. Yukimura: It is a legal requirement that we have this kind of communication set-up. Is it?

Mr. Westerman: Yes, especially with the P-25 upgrade. It is a compliance standard that is being addressed nationally. We have to move off a certain radio of frequencies and onto our frequency. It is really more for interoperability so that other Departments can come and bring their equipment and they can talk to each other. That is what this is all about.

Ms. Yukimura: In fact, somewhere you said this was sort of part of Phase 2 of the Emergency Communication System Upgrade, right?

Mr. Westerman: Yes, it is. In Phase 1, we have already started and completed Phase 1. Part of Phase 1, we were able to get some Homeland Security money to provide some of the radio upgrades. As part of the ongoing process, we applied for the second phase, Phase 2, not knowing how much we would get for Phase 2. This will help support the Phase 2 project that is being funded out of CIP dollars. This will help to support that Budget.

Ms. Yukimura: I just want to commend you and your grant writer/writers because if this was a statutory compliance issue and we did not have the grant moneys, it would probably mean that we would have to fund it as a County.

Mr. Westerman: Yes. We have some pretty good writers.

Ms. Yukimura: Yes. This is a wonderful thing that we were able to avoid having to pay half a million dollars (\$500,000) of Kaua'i residents' money, and instead get these funds. Thank you very much.

Mr. Westerman: Thank you.

Chair Furfaro: Are there any more questions for the Chief? If not, Chief, I will let you step down. I will call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Chair Furfaro: Is there any further questions? There is no public testimony. Chief, thank you very much again to you and your Staff for the effort.

The motion to approve C 2013-154 was then put, and unanimously carried.

C 2013-155 Communication (03/27/2013) from Council Chair Furfaro, requesting Council consideration of the following:

(1) HSAC/NACo/WIR Representatives for Fiscal Year 2013-2014:

(a) Hawai'i State Association of Counties (HSAC)

- Mel Rapozo – Representative
- Ross Kagawa – Alternate

(b) National Association of Counties (NACo) Board of Director

- Gary L. Hooser – Representative

(c) Western Interstate Region (WIR) Board of Director

- Mel Rapozo – Representative

(2) The proposed HSAC Fiscal Year 2014 Annual Operating Budget, as amended.

Mr. Bynum moved to approve C 2013-155, seconded by Ms. Yukimura.

Chair Furfaro: If there are further discussions on this, I would like to hold it until Mr. Rapozo is present. Let us hold this and come back. Mr. Rapozo is on a conference call right now.

CLAIMS:

C 2013-158 Communication (03/25/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Joseph L. Wildman of Takitani, Agaran & Jorgensen, LLLP, A Law Partnership, for his client Allan L. Albert, for personal injury and medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Kagawa moved to refer C 2013-158 to the County Attorney's Office for disposition/report back to the Council, seconded by Mr. Hooser, and unanimously carried.

C 2013-159 Communication (04/03/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Marilou B. Udaundo, for loss of income, personal injury, and damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Kagawa moved to refer C 2013-159 to the County Attorney's Office for disposition/report back to the Council, seconded by Mr. Hooser, and unanimously carried.

COMMITTEE REPORTS:

ENVIRONMENTAL SERVICES / PUBLIC SAFETY / COMMUNITY ASSISTANCE COMMITTEE:

A report (No. CR-EPC 2013-03) submitted by the Environmental Services / Public Safety / Community Assistance Committee, recommending that the following be received for the record:

“EPC 2013-03 Communication (03/14/2013) from Council Chair Furfaro, requesting the presence of the County Engineer, to provide an update on the Administration’s plans for the former Hanalei Courthouse facility,”

Mr. Bynum moved for approval of the report, seconded by Mr. Kagawa, and carried by a 6:0:1 vote (*Mr. Rapozo was noted as excused*).

A report (No. CR-EPC 2013-04) submitted by the Environmental Services / Public Safety / Community Assistance Committee, recommending that the following be received for the record:

“EPC 2013-04 Communication (03/21/2013) from Committee Chair Rapozo, requesting the presence of the Department of Public Works and the County’s landfill consultant, AECOM, to discuss the vertical and horizontal expansions of the Kekaha Landfill. This briefing should also include a detailed overview of the discussion between AECOM, the State of Hawai‘i, Department of Health, and the County of Kaua‘i, Department of Public Works which determined the urgent need for a vertical expansion,”

Mr. Bynum moved for approval of the report, seconded by Mr. Kagawa, and carried by a 6:0:1 vote (*Mr. Rapozo was noted as excused*).

PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2013-12) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be received for the record:

“PWPR 2013-07 Communication (12/13/2012) from Committee Chair Kagawa, requesting the presence of the Director of Parks & Recreation and the County Engineer, to provide an update on the status of the leaking roof, floor damage, and building maintenance, along with an update on the progress being made with the outside consultant procured to assist in the evaluation of the issues related to Kilauea Gym,”

Mr. Bynum moved for approval of the report, seconded by Ms. Yukimura, and carried by a 6:0:1 vote (*Mr. Rapozo was noted as excused*).

A report (No. CR-PWPR 2013-13) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be received for the record:

“C 2013-135 Communication (03/15/2013) from Council Chair Furfaro, requesting the presence of the Director of Finance and the Director of Parks & Recreation, to provide an overview of the “Parks & Recreation Improvement and Maintenance Revolving Fund,” and to provide a report that reconciles the expenses and revenues within the fund,”

Mr. Bynum moved for approval of the report, seconded by Ms. Yukimura, and carried by a 6:0:1 vote (*Mr. Rapozo was noted as excused*).

FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

A report (No. CR-FED 2013-05) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be received for the record:

“FED 2013-02 Communication (03/04/2013) from Committee Chair Bynum, requesting agenda time to discuss updated real property tax data and historical trends from Fiscal Year 2004 (Tax Year 2003) through Fiscal Year 2013 (Tax Year 2012) as it relates to the Council’s tax rate setting responsibility outlined in Chapter 5A-6.3, Kaua’i County Code 1987, as amended, and as it relates to the Fiscal Year 2013-2014 Budget Session and the general fiscal condition of the County of Kaua’i,”

Mr. Bynum moved for approval of the report, seconded by Ms. Yukimura, and carried by a 6:0:1 vote (*Mr. Rapozo was noted as excused*).

A report (No. CR-FED 2013-06) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be approved:

“Bill No. 2473 AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA’I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Vertical Expansion of the Kekaha Landfill, \$298,531.00*),”

Mr. Bynum moved for approval of the report, seconded by Ms. Yukimura, and carried by a 6:0:1 vote (*Mr. Rapozo was noted as excused*).

Chair Furfaro:

Mr. Kagawa.

Mr. Kagawa: I want to thank Committee Chair Bynum for his presentation that day, although I missed the meeting. I had an excused absence but I got to watch it on the television and there were some good questions and answers. You brought up many good points. Unfortunately, right now we are in a Budget crunch. It will be tough to do the Reserve and everything but thank you again, Mr. Bynum.

Mr. Bynum:

Thank you.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2013-04) submitted by the Committee of the Whole, recommending that the following be received for the record:

“COW 2013-01 Communication (03/14/2013) from Council Chair Furfaro, requesting the presence of the Director of Parks & Recreation and the County Attorney, to provide information on the Administration’s policies, procedures, and enforcement practices relating to both unpermitted and permitted activities occurring at public parks, including any commercial use of the public park area and facilities,”

Ms. Yukimura moved for approval of the report, seconded by Mr. Bynum, and carried by a 6:0:1 vote (*Mr. Rapozo was noted as excused*).

A report (No. CR-COW 2013-05) submitted by the Committee of the Whole, recommending that the following be received for the record:

“COW 2013-02 Communication (03/21/2013) from Council Chair Furfaro and Council Vice Chair Nakamura, requesting the presence of the Director of Parks & Recreation, to provide an update on the status of the repairs of the western comfort station at Po‘ipū Beach Park. This briefing shall include an inventory overview of all existing County comfort stations/restrooms, whether a structural assessment has been done of existing park restrooms; and the outcome of those assessments and associated costs,”

Ms. Yukimura moved for approval of the report, seconded by Mr. Bynum, and carried by a 6:0:1 vote (*Mr. Rapozo was noted as excused*).

Chair Furfaro: I just want to point out a couple of things before we get to the Resolutions. From Vice Chair Nakamura, I have a recusal letter for Resolution No. 2013-44. For Resolution No. 2013-45, Section (d) specifically, I have a recusal letter from JoAnn Yukimura. On JoAnn's one, we will do all of the other parts and we will ask her to recuse herself when she goes out and the same for you, Nadine, when the time comes. What I would like to do is a tape change and caption break so that we can go for two (2) hours straight.

There being no objections, the meeting recessed at 2:05 p.m.

The meeting reconvened at 2:19 p.m., and proceeded as follows:

Chair Furfaro: We are on Page 6, Resolutions. As I mentioned earlier, Vice Chair Nakamura recused herself for this next item.

RESOLUTIONS:

Resolution No. 2013-44 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2013 ACTION PLAN (HOME INVESTMENT PARTNERSHIPS PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED: Ms. Yukimura moved for adoption of Resolution No. 2013-44, seconded by Mr. Bynum.

(*Ms. Nakamura was noted as recused from this item.*)

Chair Furfaro: Is there any discussion?

Ms. Yukimura: I just want to thank Housing and particularly the CDBG section for the really good work and working with the community to identify these projects that will help our community while going through the whole process to bring us to this place.

Chair Furfaro: Okay. Did you have a comment, Mr. Bynum?

Mr. Bynum: Yes. Good job again this year. Thank you.

Chair Furfaro: Okay. We have a motion and a second. Let us do a roll call vote.

The motion to adopt Resolution No. 2013-44 was then put, and carried by the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Yukimura, Furfaro	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	Nakamura	TOTAL – 1.

(Ms. Nakamura was noted back in the Council Meeting.)

Resolution No. 2013-45 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2013 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED: Mr. Bynum moved for adoption of Resolution No. 2103-45, seconded by Ms. Nakamura.

Chair Furfaro: I want to recognize Councilmember Yukimura.

Ms. Yukimura: Thank you, Chair. In as much as I have a potential conflict and interest on (d), may I ask that we vote in seriatim, and vote on all but (d) at this time.

Chair Furfaro: All but (d)? “D” as in “dog?”

Ms. Yukimura: Right, so we would be voting on all except (d).

Chair Furfaro: Okay. Is there any discussion? If not, can I get a roll call vote for all items but (d).

The motion to adopt items (a)-(c) and (e)-(k) in Resolution No. 2013-45 was then put, and carried by the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Nakamura, Yukimura, Furfaro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

(Ms. Yukimura was noted as recused from item (d) of Resolution No. 2013-45.)

Chair Furfaro: Now, let us vote on item (d). I need a motion.

Ms. Nakamura moved to adopt item (d) in Resolution No. 2013-45, seconded by Mr. Bynum.

Chair Furfaro: Are there any further discussion? Go ahead,
Mr. Kagawa.

Mr. Kagawa: Being at Kapa'a High School, I get to see the Boys and Girls Club adjacent to Kapa'a High and I like sitting down and watching the leaders. Some of them are coaches who work with the kids. A lot of times, they provide that family that is really going to help these kids to grow up. I want to thank the Boys and Girls Club for all that they do.

Chair Furfaro: Thank you very much. Are there any further comments? If not, roll call please.

The motion to adopt item (d) in Resolution No. 2013-45 was then put, and carried by the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Nakamura, Furfaro	TOTAL - 5,
AGAINST APPROVAL:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL - 1,
RECUSED & NOT VOTING:	Yukimura	TOTAL - 1.

(Ms. Yukimura was noted back in the Council Meeting.)

Chair Furfaro: We are going to go to the top of Page 7 now.

Resolution No. 2013-48 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION
(Angela M. Anderson - Environmentalist): Mr. Bynum moved for adoption of Resolution No. 2013-48, seconded by Ms. Yukimura.

Chair Furfaro: Is there any discussion?

Mr. Bynum: I want to thank Ms. Anderson who I met today for stepping up. She appears to be an outstanding candidate for the Environmental position and I appreciate her willingness to serve.

Chair Furfaro: Is there any further comments?

Ms. Yukimura: Mr. Chair, I too want to thank Angela for being willing to serve and the Administration for finding such a good candidate. As Glenn Mickens said, her credentials are amazing. Beyond that, I think I heard in her discussion of such a commitment to both environmental protection to this island and this community, and I think she will make a very good commissioner.

Mr. Hooser: I also will be supporting the vote today. I want to thank the Mayor. We clearly had an intense discussion a month or two (2) ago about the fact that this position has been vacant for so long and it was unfilled. This Council made it clear that we wanted a strong candidate for that position with genuine, bonafide environmental credentials. I think partly as a result of our communicating that loud and clear, people did step forward and a great candidate was chosen so I am very pleased to support that. I want to thank the Mayor for following through with it. Thank you.

Chair Furfaro: Is there any further discussion? This morning, I made note to Angela that I would be supporting her appointment. I also wanted to share that I was very, very pleased with the nomination for her position from the Mayor. I want to thank the Mayor. I think she has demonstrated that her home is now on Kaua'i and she will be a great steward while meeting the criteria for an environmental commissioner. On that note, we will do a roll call vote please.

The motion to adopt Resolution No. 2013-48 was then put, and carried by the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Nakamura, Yukimura, Furfaro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2474) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND THE BEAUTIFICATION FUND (*General Fund – Department of Finance, General Liability Account – \$764,194.00*): Mr. Bynum moved for passage of Proposed Draft Bill No. 2474 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 24, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / other Economic Development Areas) Committee, seconded by Mr. Kagawa.

Chair Furfaro: Is there any discussion?

Ms. Yukimura: I think in the last meeting I raised the question about "An Ordinance Amending An Ordinance." We have received a County Attorney's opinion that opines that this is a legally sufficient Bill. I thought the opinion was very poorly done. I am not satisfied with it but I am going to let that go in terms of approving these Bills, but I want to request that our Staff not do this again where it is "An Ordinance For An Ordinance" because I believe there is a difference between an Ordinance and a Bill. A Bill becomes an Ordinance after it is approved by the Council and signed by the Mayor, or allowed to pass without his signature. It is illogical unless Ordinance means Bill, which I do not think it does, to have "An Ordinance Amending Ordinance." I would like the Council Staff to always have it "A Bill For An Ordinance" or "A Bill Amending An Ordinance." I think we can vote on it. For the Bill in its substance, I want to say something if I may, Chair?

Chair Furfaro: Okay.

Ms. Yukimura: Bill No. 2474 takes money from the Unassigned General Fund Balance and the Beautification Fund to pay for Puhi Metals site clean-up, as I understand it. That is part of a two point one million dollars (\$2,100,000) clean-up bill that the vendor operator of the site should have paid, but the County has to pay for it because we failed to properly manage our contract with the vendor. This is two point one million dollars (\$2,100,000) which

we would not have had to pay if the contract was properly managed. I raised this because we are in the throes of hearings and decision-making regarding our County Budget for the next fiscal year.

Chair Furfaro: Excuse me. I just want to make sure you understand that is the next bill.

Ms. Yukimura: I am sorry.

Chair Furfaro: That is alright. I think we are doing Proposed Draft Bill No. 2474.

Ms. Yukimura: Yes.

Chair Furfaro: What she is speaking on is Proposed Draft Bill No. 2475?

Ms. Yukimura: I do not believe so.

Chair Furfaro: No, you are right JoAnn.

Ms. Yukimura: Yes, we are moving money from Beautification to our General Liability Fund.

Chair Furfaro: Yes, thank you. I stand corrected.

Ms. Yukimura: No problem.

Chair Furfaro: I think the Staff needs to recognize where we are at as well. JoAnn, my apology. Please continue.

Ms. Yukimura: Okay. I am raising this issue because we are in the throes of Budget for the next fiscal year, and we are struggling to make ends meet. I want to emphasize to the Administration that the key to a balanced Budget is good management. Good planning and management of County operations is good management of our finances. We cannot afford to waste and mistakes waste money. I want to really ask the Administration to put their attention to this because I believe this is a key to fiscal responsibility.

Chair Furfaro: Are there any further comments? Is there anyone in the audience who wants to testify on this before we call for the vote? The Chair recognizes the Clerk.

RICKY WATANABE, County Clerk: Per Councilmember Yukimura's request, we will convey the proper use of the "Bill For An Ordinance" to the Administration because these bills were initiated by the Administration. The rule going forward is that we will check and change titles before they hit First Reading.

Chair Furfaro: Actually, you have taken a little bit of wind out of my sail. I was going to clarify that as well. The concern about the verbiage has been so noted, but this was submitted to us by request from the Administration. Therefore, I would like to make sure that we ask our two (2) Legal Advisors and yourself to set the parameter of any of the postings going forward. Thank you.

Mr. Watanabe: So noted, Chair.

Chair Furfaro: Okay.

The motion for passage of Proposed Draft Bill No. 2474 was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Yukimura, Furfaro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Proposed Draft Bill (No. 2475) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE DEBT SERVICE FUND (*Debt Service Fund - \$2,100,000.00*): Mr. Bynum moved for passage of Proposed Draft Bill No. 2475 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 24, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / other Economic Development Areas) Committee, seconded by Ms. Yukimura.

Chair Furfaro: Any additional commentary? Go right ahead, Vice Chair.

Ms. Nakamura: I have a question to inquire the rationale for this. Is there anyone who can answer my question?

Chair Furfaro: Let us move to the next item because I understand it but I do not want to take responsibility for my terminology for two point one million dollars (\$2,100,000), even though I have pretty good financial terminology. We will place a call to the Finance Director with questions related to this Proposed Draft Bill No. 2475. Can somebody call them to come over now? Let us move to the next item please.

Proposed Draft Bill (No. 2476) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GOLF FUND (*Golf Fund \$51,459.00*): Mr. Bynum moved for passage of Proposed Draft Bill No. 2476 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 24, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / other Economic Development Areas) Committee, seconded by Ms. Yukimura.

Chair Furfaro: Okay. There is a motion and a second. I want to say that based on yesterday's Budget hearing, they are giving us a number of fifty-one thousand four hundred fifty nine dollars (\$51,459). I do not believe this accounts for the fact that our tenant is gone from the Pro Shop now and this might actually require more money in the future. I just want to make a note. On that note, let us do the call.

The motion for passage of Proposed Draft Bill No. 2476 was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Yukimura, Furfaro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Proposed Draft Bill (No. 2477) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY AMENDING AN EXISTING BUDGET PROVISIO IN THE CAPITAL BUDGET RELATING TO PROJECTS FUNDED WITH COMMUNITY FACILITIES DISTRICT BONDS: Mr. Bynum moved for passage of Proposed Draft Bill No. 2477 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 24, 2013, and that it thereafter be referred to the Committee of the Whole, seconded by Ms. Yukimura, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Yukimura, Furfaro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

BILL FOR SECOND READING:

BILL NO. 2473 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Vertical Expansion of the Kekaha Landfill, \$298,531.00*): Ms. Yukimura moved for adoption of Bill No. 2473, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Bynum.

Chair Furfaro: We have had a lot of discussion about the two hundred ninety-eight thousand five hundred thirty-one dollars (\$298,531). Is there any further discussion? Mr. Kagawa.

Mr. Kagawa: Thank you, Mr. Chair. Like anybody, I hate to be backed up into the wall with no options and going vertical is an example of that. When I came into the Council, one of my goals was to try and help find new solutions to our landfill problems. Expanding vertically and horizontally is not finding new solutions. I will continue to try and fix this problem together with the rest of the members and our Administration. I hope that someday we can do something better than just burying it because like I said in Committee, that is what you do with dog poop. You dig a hole and you bury it. Thank you.

Mr. Bynum: I am going to support this Bill and also agree with Councilmember Kagawa that it is unfortunate that we have to. I believe later in this year, we are going to have a workshop to look at the entire Integrated Solid Waste Management Plan and to look at those timelines that some of us here

approved a number of years ago and where we are on those timelines. One of the reasons that we moved quickly—and this was early in my tenure as a Councilmember, was because we wanted to avoid going higher with the landfill. If we moved aggressively on these plans, that we would have avoid that. We would avoid having to build mount Kekaha even higher. Unfortunately, we did not follow the plan. We may have been in this boat even because it was difficult to site a landfill, automate trash collection, do curbside recycling, and composting; those are all part of the plan. Those are all in and of itself huge projects. I really hope we get back on track. We did not avoid what we worked to avoid and I think we have to hold ourselves responsible as a County by not following the plan that we adopted. Thank you.

Chair Furfaro:

Okay. Any further discussion? Mr. Hooser.

Mr. Hooser: Yes. I will clearly be supporting this, Chair, and I just want to express my frustration also. Councilmember Yukimura mentioned earlier on an earlier measure the cost to our County and to the taxpayers. I mentioned on several occasions that the problem I believe is that quite frankly, it is the management. When I was here in 1998, 1999, 2000, and 2001, the same discussion was happening. We are still there in Kekaha and still making it taller. I would like to hear from the Administration. I would like them to convince us and convince me what they intend to do that is different to improve the management of our Solid Waste issue. Clearly, we cannot just keep doing what we have been doing year after year and costing taxpayers more and more money, not to mention the long term environmental impacts. Yes, I am very disappointed. It is a relatively small amount of money in the scope of things but it is just a symptom of it my much bigger problem. Thank you.

Chair Furfaro: Does anyone else want to speak on this item? I have to say, I have never served on the Council before with Mr. Hooser. I think he was departing to the Senate. I was coming on as a new guy. That was twelve (12) years ago and we are still dealing with this. I think Mr. Kagawa said it very well that we just do not want to be in a corner and having no options in front of us. I just want Larry Dill to know that I have some faith in his new leadership, but we cannot keep doing the same thing. Therefore, I will be supporting this because we really do not have a choice. On that note, I shall ask for a roll call vote.

The motion to approve Bill No. 2473 on second and final reading was then put, and carried by the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Nakamura, Yukimura, Furfaro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Thank you very much. Steve, thank you for coming over. We wanted to get some concurrence on our understanding about Proposed Draft Bill No. 2475, which deals with the two point one million dollars (\$2,100,000) that is estimated right now in this Debt Service Bill. If you could give us more background, I would appreciate it.

There being no objections, the rules were suspended.

STEVEN A. HUNT, Director of Finance: As you know, we have consulted our external auditors regarding this upcoming Budget. What we are using now is actual Fund Balances used to balance the Budget. Because the existing Debt Service Fund has access moneys of two point one million dollars (\$2,100,000) which would lapse and be available to us in December, provides us no use of those funds for the fiscal 2014 Budget until they are put back and taken out of appropriations in the current fiscal year 2013 Budget into Fund Balance that we could use to balance fiscal year 2014. That is what this Bill accomplishes which is taking it out of appropriated funds from fiscal 2013 back into Fund Balance so we can use it for fiscal 2014.

Chair Furfaro: This helps resolve the comment that I shared with my terms on the calendar balance on where the funds are, and this would cure it?

Mr. Hunt: Yes.

Chair Furfaro: Thank you. Council Vice Chair Nakamura.

Ms. Nakamura: Hi, Steve. Thank you for that. I wanted to—I know you were not the Finance Director at the time but why did we put in two million dollars (\$2,000,000) more into this fund at the beginning when we did the budgeting? It is there in the proviso.

Mr. Hunt: I am not sure if some of that savings had to do with part of the refinance and access funds that was there at the time, and this was basically cashing in that. I know that other Counties budget basically almost to the penny as to what their actual Debt Service is. We had access funds in that.

Ms. Nakamura: As a follow-up when it goes to Committee, can we have that question answered? If we do not make this change, then we do not have access to these funds until next fiscal year. Is that correct?

Mr. Hunt: They will stay within the Debt Service Fund. It only becomes an access for budgeting purposes. We need to have them in the Fund Balance. We actually have to have equity, otherwise we would be anticipating those returns much like we used to for Unappropriated Surplus, but we do not know what those are until we actually get the Comprehensive Annual Financial Report (CAFR) certified which is in December. That was actually part of the reason. The Solid Waste Money Bill that is before you—we underestimated what those Unappropriated Surplus Funds were when it ended up being less. Now, we are coming to you with the Money Bill. As a matter of practice and best practices, we are now looking at actual Fund Balances and only being able to use that to balance the Budget.

Ms. Nakamura: In the current Budget before us that we are now reviewing for FY 2014, are we assuming that these funds are useable?

Mr. Hunt: It is under the assumption that these Money Bills before you pass. Correct.

Ms. Nakamura: Thank you.

Mr. Bynum: I think it is important that we all understand that the Finance Department's lead is in essence suggesting that we

stop a practice that we have for many years, and that we adopt this which I agree is a better practice. In the past, we assigned more than fifty percent (50%) of our General Fund Balance to balance this year's Budget. When we went to the next Budget, we did an estimate of what the variances would be. Of these moneys that we budgeted, "What are we not going to spend?" We do that estimate and then we assign those funds in essence, a second time feeling fairly assured that they would lapse. I think this might come from Ken and Steve, who have new eyes on this process that we have done for many years said, "How do you use funds twice?" and asked open-ended questions. Our auditor said, "That is not a good idea." Even though they had audited the previous year when we did that but when asked the question, they said this is not a good idea. The Finance Department is really saying, "We are going to go by this new standard that we think is a better standard than what we have done in the past." Have I got this right, Steve?

Mr. Hunt: Yes, with one exception. I think the major difference this year is that in the past, we have always had access surplus. We have never taken the full amount of surplus to put into the Budget. We have always had coverage. When you are estimating your Unappropriated Surplus and putting that into the Budget, you always had more than that to cover so in case your estimate was wrong, you had balance to say like now, put money back into the Budget to make this whole. This year, we are not going to have that luxury. We can only use that we actually have because in the estimate of funds, we have no coverage. If we are incorrect in an estimate, where are the moneys going to come from?

Mr. Bynum: I just want to say that this is a major change of practice from many years, but it is a good one. It will bring more discipline to our budgeting process. It is totally consistent with a Reserve Policy, should we ever adopt one, that says you can only use half of this in any one year. If we would have had that policy to use half, then you have the other half available for the subsequent year, which is the standard we are putting in with this. Correct?

Mr. Hunt: Yes. We would have likely been addressing many of these fees and rates earlier on if that had been the policy.

Mr. Bynum: Right, because we would have not watched our revenues fall for four (4) straight years without making any adjustments.

Mr. Hunt: I am not here to play Monday morning quarterback. We are where we are.

Mr. Bynum: Right. I think it is important for everybody to understand that we are taking this Budget process to a higher standard. I appreciate the lead that came from the Finance Department to ask the question and get the answer. I agree that that is the right way to go. We can certainly manage our Government that way and this is the year. We are making a real fundamental shift and practice and I think that is a real positive thing.

Mr. Hooser: I could not help thinking from the previous comments that it seems like we are going from a lower standard and I am happy to see it getting better because like I said, if we would have been there before then we would not be in our situation today. Proposed Draft Bill 2475 takes funds that are in the Debt Service Funds that we do not need to pay debt, and transfers it to the General Fund?

Mr. Hunt: No, it stays in the Debt Fund. You have an Operating Budget which is your profit and loss that you are operating, and then you have your ledger which is your balance sheet. We are basically taking it out of funds available in the Operating Budget and putting it back onto the balance sheet so we can reuse it for the upcoming fiscal.

Mr. Hooser: Will we reuse it for Debt Service again?

Mr. Hunt: Exactly.

Mr. Hooser: Okay.

Mr. Hunt: We have made our last payment and we know we have access funds in that account that are going to lapse. We know that two point one million dollars (\$2,100,000) is going to lapse. Rather than wait to use those, we are asking to now take them out of the fiscal 2103 Budget so we can use them immediately to balance fiscal year 2014.

Mr. Hooser: We are taking one hundred percent (100%) of the funds?

Mr. Hunt: I think it leaves one hundred thousand dollars (\$100,000) left.

Mr. Hooser: Okay. Debt Service is Bonds?

Mr. Hunt: Debt Service is primarily is our Bond Service.

Mr. Hooser: That would be CIP Bonds. The original source of the money was Operating Funds? Or did we borrow the Debt Service?

Mr. Hunt: No, it is allocated from General Fund to Debt Service but it cannot come out.

Mr. Hooser: Okay. Is another option to pre-pay debt even more? Or we would rather not do that because we need the money to balance the Budget?

Mr. Hunt: Yes.

Mr. Hooser: Got it.

Mr. Hunt: I do not believe we want to pay fiscal 2014 debt at this point.

Mr. Hooser: Okay. I want to thank Councilmember Nakamura for asking the question. I think it is a big amount of money that could have just kind of slid through without asking some basic questions. Thank you for raising that.

Chair Furfaro: I do want to clarify a couple of things here because evidently, somebody has been reading my presentations because one of the options is to pay Debt Service. The second one I want to make sure is that N&K,

our auditors; for the first year they audited us, they did not make this recommendation. It was the second year and it is a recommendation, not a mandate. It is a recommendation that we all take very serious as we go into difficult times and ultimately managing our cash flow too. Later on in the Budget Session, we will revisit our cash position for the six (6) months in the P & L, and that might also expose to us a little bit more about what I am saying might be about a six point two million dollar (\$6,200,000) carry over again. Thank you very much for coming over and sharing with us. We would like to move forward and vote on this item. Yes, Mr. Bynum?

Mr. Bynum: I have one clarification because I want to make sure I have it right, but the auditors gave that answer because the question was asked? Correct?

Mr. Hunt: Yes.

Mr. Bynum: Thank you for asking the question.

Chair Furfaro: Good job. I am going to call the meeting back to order. Steve, thank you very much for coming over. Let us now do the roll call vote for Proposed Draft Bill No. 2475.

The meeting was called back to order, and proceeded as follows:

The motion for passage of Proposed Draft Bill No. 2475 was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Yukimura, Furfaro	TOTAL - 6,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Chair Furfaro: Thank you very much. Just for everyone's information for our 3:00 p.m. conference call, we were asked to move that back to 4:00 p.m. I think we have an opportunity that I was not anticipating, to clean up the rest of today's agenda before we go into Executive Session.

Mr. Watanabe: We have two (2) remaining items that we need to go back to. There is C 2013-155 which was the communication from Chair Furfaro requesting the consideration of the Hawai'i State Association of Counties (HSAC), National Association of Counties (NACo), and Western Interstate Region (WIR) Representatives. We have the other item C 2013-156 remaining regarding the workshop on the potential new landfill feasibility.

Chair Furfaro: Marc, I see you have walked through the door. You might want to check with Peter because there has been an hour change on some of our time for today. Go ahead Mr. Bynum.

Mr. Bynum: I am going from the assumption on this that Mr. Rapozo is making these recommendations and if that assumption is correct, then I am prepared to vote on this. I want to support his leadership for HSAC. Is he going to return today?

Chair Furfaro: He is on a conference call with his duties relating to HSAC and the Legislature. The other item is the fact that we could see if we could get Mr. Dill over and we can try and finish the item that we postponed to later today. That is another option. Mr. Hooser, you have the floor.

Mr. Hooser: I am not sure what item we are talking about.

Chair Furfaro: We have the HSAC appointments on representatives. That is still tentative.

Mr. Hooser: Okay, and further discussion?

Chair Furfaro: More like the recap of what we need to do in getting prepared for the workshop.

Mr. Hooser: Okay.

Chair Furfaro: Those are the two (2) items. Why do we not see if we could call Mr. Dill back and we are going to take a ten (10) minute recess while we do that.

There being no objections, the meeting was recessed at 2:56 p.m.

The meeting reconvened at 3:19 p.m., and proceeded as follows:

Chair Furfaro: We are back from our last recess. We are going to finish the last two (2) items in our open session. I would like the HSAC item read first one more time.

C 2013-155 Communication (03/27/2013) from Council Chair Furfaro, requesting Council consideration of the following:

(1) HSAC/NACo/WIR Representatives for Fiscal Year 2013-2014:

(b) Hawai'i State Association of Counties (HSAC)

- Mel Rapozo – Representative
- Ross Kagawa – Alternate

(b) National Association of Counties (NACo) Board of Director

- Gary L. Hooser – Representative

(c) Western Interstate Region (WIR) Board of Director

- Mel Rapozo – Representative

(2) The proposed HSAC Fiscal Year 2014 Annual Operating Budget, as amended.

Chair Furfaro: Thank you. The reason we have delayed this is because we wanted to get some clarification on certain items related to the HSAC membership dues, as well as these nominations. I believe while we were on recess, the particular questions that wanted to be resolved—Ashley was assigned to our HSAC President and was able to give JoAnn some clarity. Are you satisfied?

Ms. Yukimura:
okay?

I would like to have some discussion if that is

Chair Furfaro:

Absolutely, you now have the floor.

Ms. Yukimura: Thank you. I want to thank our HSAC Chair and our fellow colleague Mel Rapozo for answers to my questions. I did E-mail the questions to all of you as well on March 28th. As we look at our Budget, we need to look at this HSAC Budget because—I want to say upfront I have no problems with the assignments of offices to HSAC and NACo. There are no questions there. I do have questions about the Budget. The Budget for 2014 shows an eight percent (8%) increase of twelve thousand dollars (\$12,000). My first question to Ashley under lay the questions that I asked Councilmember Rapozo which was, "Will that increase our dues to HSAC?" The answer is no, it will not. That is good. That is because we are getting a twelve thousand dollar (\$12,000) income from the NACo Prescription Drug Marketing Fee so that is nice that it is coming from out of State. However, my question was, "What are our obligations with respect to that Prescription Drug Marketing Fee?" It is a program that was brought back to Kaua'i by then Councilmember Shaylene Iseri-Carvalho and Councilmember Rapozo when they came back and it is a program that allows our residents to buy discounted drugs. One of the things is, "How are we letting our residents know this program is available and what obligations do we have?" Apparently, they are fairly small obligations and the twelve thousand dollars (\$12,000) has been allocated to the WIR Promotional and the National Conference Fund. There is some legitimacy to that for the promotions that we want to do to bring the WIR Conference here to Kaua'i. However, there is also the line item of adjustments for Travel and Related Expenses of nineteen thousand four hundred ninety-five dollars (\$19,495). When you look at the actuals, there are no expenditures for this year. One option of the executive committee would have been to return some fees to the Counties or reduce the dues for next year. I am going to vote to support this right now, but I do think some discussion needs to be done in next year's Budget to look at all of these items in terms of the same kind of accountability that we are doing to our Budget.

Chair Furfaro: Thank you. I would like to make sure that when we reference this marketing fee that we are getting, it is for the participation in the discounted prescription drugs, not just for drugs.

Ms. Yukimura: Right. It is prescription drugs, which is greatly needed. I might want to point out one more thing. Under Revenues for Conference Income, our year to date Conference Income; that is when we get donations for sponsorship or payments for sponsorship. Year to date shows eighteen thousand dollars (\$18,000), almost nineteen thousand dollars (\$19,000) and our Budget for next year shows zero (0). I do have a question about why we are not going to be soliciting or not planning on getting any corporate sponsorship. I do not know the answer to that either.

Chair Furfaro: I can share that with you. There was discussion last year whether it was a good practice or not to solicit sponsorships for Councils Statewide and if they made any commitments to tie in some strings based on corporate contributions to the association. I do not think it has been resolved yet but until such time, I believe they are not actively solicited.

Ms. Yukimura: Thank you for that answer. I thought that might be behind it because I think we had a discussion about that when we were looking at the hiring of an Executive Director.

Chair Furfaro: That discussion left at we would not allow more than forty percent (40%) of a salary drawn for an Executive to come from corporate members. Then it was zero (0) members.

Ms. Yukimura: Right. That is acceptable to me. To have a policy is good; although, I do not know if there is a carry over. Anyway, I just want to raise the questions so that in next year's Budget, there is consideration for the other approaches possibly to lowering membership fees. Thank you.

Chair Furfaro: Comments are well received. I do not have the actual final outcome of what was done on the corporate membership, but I believe that was the discussion. All those in favor of accepting the recommendations as consideration for the HSAC fiscal year 2013-2014 for appointees to the following board representations as well as the Operating Budget...

Mr. Hooser: Chair, point of clarification. Is it okay for me to vote for myself? I am on the list so it is not a conflict for me to vote?

Chair Furfaro: No, I do that when I go in the voting box.

Mr. Hooser: Okay. I just wanted to raise the issue just to be clear. Thank you. It just dawned on me. That is why you are the Chair.

The motion to approve C 2013-155 was then put, and carried a vote of 6:0:1 (*Mr. Rapozo was noted as excused*).

Chair Furfaro: Mr. Dill, thank you for coming back. We had some changes in the appointments with our attorneys. Could we read that agenda item one more time, please.

C 2013-156 Communication (04/02/2013) from Council Chair Furfaro, requesting the presence of the County Engineer, Deputy County Engineer, Environmental Services Management Engineer, and the Environmental Services Officer to discuss the feasibility, the associated costs, and process to hold a proposed workshop on the potential new landfill and Resource Recovery Park site in May 2013.

Chair Furfaro: Mr. Dill, I wanted to revisit with you and I hope this does not take longer than twenty (20) minutes because we now have a new appointment at 4:00 p.m. First of all, we want to thank you and the Mayor for sending over questions to my earlier correspondence. We do understand although it is not absolutely clear in this letter that if we decide to have the workshop, it will be based on two (2) things. One of them being the fact that we will have the appropriate funds for it but more importantly, based on sending over some questions that are within the parameters of the scope, we feel there is value in scheduling this workshop. We are not today, or now, prepared to send you the final detail of those questions as it relates to the scope. That will be coming over shortly. We want to make sure, do we have an EIS and a feasibility study, or we have a combined document of feasibility and EIS? Which do we have Mr. Dill?

Mr. Dill: For the record, Larry Dill, County Engineer.
There are two (2) separate documents.

Chair Furfaro: Okay, and we have both of them. We will make sure as we prepare questions for the consultant that we feel are necessary that this request for additional services to them will be part of what the appropriate documentation was. On that note, we are not going to give you the questions today but they are coming over very shortly. I am going to ask Councilwoman Yukimura to have the floor first because she has a few questions.

Mr. Dill: Before we start, may I ask a question? We had preliminary discussed the date of May 2nd which I now understand that we have some other conflicting appointments on that day. Can we talk about a date because with it being in (inaudible), I want to make sure of it since there is travel involved?

Chair Furfaro: Let me fill in with the rest of the Staff on this. My original intent in what you are writing back to me was the fact that we would have had a site inspection for the Council posted on the 2nd, and we would actually go to the location. We would come back, have questions and answers on the site visit here, and then we would have the consultant. That is why we had to pick a date.

Mr. Dill: Right.

Chair Furfaro: That date for both the tour and the consultant's visit is flexible now and we are not fixed on that date. If you have some dates you can recommend to us, that would be appreciated.

Mr. Dill: Okay, we will come back to you on that.

Ms. Yukimura: For the record, what is the cost of this feasibility study?

Mr. Dill: The cost of the Resource Recovery Park feasibility study is about two hundred seven thousand dollars (\$207,000) out of the one point eight million dollars (\$1,800,000) for the overall fee.

Ms. Yukimura: What exactly was the purpose of the study?

Mr. Dill: The purpose of the study was to have the consultant determine what waste diversion activities were feasible to have at a Resource Recovery Park located with the proposed landfill at Mā'alo.

Ms. Yukimura: What Resource Recovery activities were feasible?

Mr. Dill: I am sorry, waste diversion activities.

Ms. Yukimura: Okay, so what waste diversion activities would be feasible?

Mr. Dill: Correct.

Ms. Yukimura: How do you define "feasible?"

Mr. Dill: I do not have the definition of "feasible" with me.

Ms. Yukimura: I am sorry but if this is the core question that the County is asking, you need to know what the definition of feasible is. You need to know what you are asking the consultants to do.

Mr. Dill: I would need to get together with the consultant and determine with him how they determine what feasible meant in the context of our discussions with them. I was not involved in the original discussions when scoping out this Scope of Work.

Ms. Yukimura: I would think you would first go to your Staff who is the ones who scoped it out.

Mr. Dill: Yes.

Ms. Yukimura: I am baffled that we would not understand what the question is that we are asking.

Chair Furfaro: He is looking in the contract. Is that what you are doing, Larry?

Mr. Dill: Okay. I am going to read directly from Page 12 of the contract. Item number 2. "Undertake a feasibility study for inclusion of each of the facilities/elements identified in the RRP. The feasibility study would consider a range of assessment criteria such as waste volumes to be managed, equipment requirements, capital and operating costs and revenues, waste diversion potential, availability of markets and end uses, community benefits, applicability to County based on tonnages, proven operating experience on a comparable waste stream for each aspect. Any regulatory requirements to implement individual facilities/elements of the RRP will also be identified."

Ms. Yukimura: If capital and operating costs are to be identified and volumes to be managed as well as revenues, how can they do this without knowing what would be the decentralized volumes and waste assuming we were in a decentralized system?

Mr. Dill: The task that was given to the consultant was to simply look at these facilities if they were to be collocated at Mā'alo with the landfill.

Ms. Yukimura: It is a purely centralized model? We would close down the decentralized facilities?

Mr. Dill: There are no plans to close anything down. This is simply to look at it. If it were to close down, this is how it is going to operate.

Chair Furfaro: Hold on, please. I can sense by the tone that we are being elevated to an area that we do not need to be so confrontational on. If you ask Mr. Dill a question, please let him complete his answer.

Ms. Yukimura: Thank you. I apologize.

Chair Furfaro: The question Larry was dealing with was centralized or decentralized.

Mr. Dill: Yes.

Chair Furfaro: Jello with whip cream or no whip cream. Decentralized versus the centralized. That has not been decided yet.

Mr. Dill: The Scope of Work that was given to the consultant was to conduct the feasibility study on the Resource Recovery Park where all these activities would be centralized.

Ms. Yukimura: That means if you have a central composting facility, then the people of Kekaha will have to bring their stuff to this Resource Recovery center because then you will know what the volumes are and you will know what the cost of the system is?

Mr. Dill: Not necessarily. The composting activity could take place at Mā'alo, but the collection could take place at various locations. That is just talking about the composting activity.

Ms. Yukimura: You would shut down Heart and Soul and are we still doing one at Leland Nishek's?

Mr. Dill: There are no proposals to shut anybody down. Right now, you are right. Those are two (2) operations, Kaua'i Nursery and Landscaping and Heart and Soul, that are accommodating that need.

Ms. Yukimura: But to know the volumes that they would be taking at the central landfill, you would have to know the volumes being taken at the decentralized landfill.

Mr. Dill: Yes, that is what was taken into account in looking at that. If that central and composting facility did come to fruition because it was determined it was no longer viable or feasible to conduct them at the two (2) existing locations, then we took into account those volumes.

Ms. Yukimura: You are presuming that you are going to have one processing center?

Mr. Dill: In that scenario, yes.

Ms. Yukimura: Those costs were actually factored in?

Mr. Dill: Yes.

Ms. Yukimura: They were also subtracted because you are not going to have those other costs?

Mr. Dill: We just looked at what the costs would be to run that operation. I guess to me, it would be a given. You would not have a central facility handling the island's volume and you would not also have these other two (2) facilities.

Ms. Yukimura: Therefore, it would affect your cost assumptions to the County, right?

Mr. Dill: Yes.

Ms. Yukimura: Okay, and that has been taken into account?

Mr. Dill: Yes.

Ms. Yukimura: How do you know which one is cheaper without the data on both? A comparison on both systems designed?

Mr. Dill: In the example specifically of the composting facility, our consultant is giving us a projection on capital and operating costs for a composting facility at the Resource Recovery Park, and we have the costs for the current situation whereby we have the two (2) contracted operations. We are able to compare those costs.

Ms. Yukimura: What if it would be cheaper just to do two (2) centralized composting?

Mr. Dill: Two (2) decentralized I assume you mean.

Ms. Yukimura: Yes. Two (2) decentralized.

Mr. Dill: Likely, as long as that was true, we would relocate those activities to a centralized location.

Ms. Yukimura: Why are we spending so much money if we will not know what the decentralized cost is?

Mr. Dill: For some of the activities like composting, I think we do have a pretty good idea because we are currently pursuing those. There are other ways and diversion activities where we do not have that because those activities are not really taking place yet.

Ms. Yukimura: Okay.

Mr. Dill: I lost my train of thought but in that situation, we do have a good cost-analysis to determine. We feel it is valuable to us in the context of collocating a landfill with the Resource Recovery Park in pursuit of an EIS for the landfill, to be able to have a facility as somewhat of mitigation for the waste activity at the landfill that would already have the environmental entitlements with a cooperative landowner. For instance, we know our composting operations have been serving us well but also there is no confirmation that those are having any permanency to them. I do not know how they are going to continue to operate in the long term if that is viable or not. If we have a site that is already

entitled and already got those entitlements in place, we would be that far head in relocating them if it made sense.

Ms. Yukimura:
located on private land?

Why would it be entitled if it is going to be

Mr. Dill:
property.

We would have completed an EIS on that

Ms. Yukimura:
have site control.

That does not make it entitled if you do not

Mr. Dill:
statement already done. I agree with you, that there will be many more steps to be taking but at least that is a big one that is out of the way.

Ms. Yukimura:
are talking feasibility study.

We are not talking environmental impact, we

Mr. Dill:

Yes.

Ms. Yukimura:

Does feasibility take into account economics?

Mr. Dill:

Yes.

Ms. Yukimura:

Comparative economics?

Mr. Dill:

Comparative economics...

Ms. Yukimura:

The question is...

Chair Furfaro:
second. This posting came from me. This posting is about a discussion that says, "What is the value of us having a workshop for the feasibility of these pieces?" We are going into questions now that should be focused on a workshop discussion, not here as a Council discussion. I have always wondered at some point when we end up having a recycle facility, as the facility become more and more busy, it comes with more operating costs. Then over here, you have a landfill that as it gets to a certain point, it has certain costs of acquiring land and so forth. At some point, these lines are going to cross and that is an economic decision, but that is not what today's posting is about. It is feasibility about a workshop and we should be sending you questions that help answer that question. I would like to send you those questions.

Ms. Yukimura:

Chair?

Chair Furfaro:
Councilwoman. We want you to respond to those questions about this feasibility of the workshop.

Ms. Yukimura:
am trying to understand the purpose of the feasibility study. If there is a major disagreement about the purpose of the feasibility study, as Councilmember Rapozo said, "Why have a workshop when that is the key question of what the purpose of

the feasibility study is and should be?" I am trying to understand what the County's purpose was and what kind of information you were trying to get from this study so that I can see whether it is worth even having a workshop.

Chair Furfaro: You understand my point that rather than have this discussion at this point, I think we all would like to see the direction of your questions and have them sent over with a quick response. We know now that May 2nd is not going to work and it would be clear to us if we sent those questions to you now to answer the basic, "Is it right for us to have a workshop?"

Ms. Yukimura: Are you asking me that question?

Chair Furfaro: I think I would like to ask all of my colleagues because you are one (1) of seven (7). I would like the respect from all of them.

Ms. Yukimura: Okay.

Chair Furfaro: If others want to contribute in the questions that go over the Engineering, then we should add onto that list and have Larry respond to us.

Ms. Yukimura: Thank you. I will let others ask questions.

Chair Furfaro: Are there other questions that deal with the correspondence of the feasibility of having this workshop within the scope of the contracts that were issued? Mr. Kagawa and then Vice Chair.

Mr. Kagawa: This is not really a question but I must say, Larry, I am truly amazed that you stand up for your Department in the most trying times and you handle it with much grace. Thank you.

Chair Furfaro: Vice Chair.

Ms. Nakamura: I think because this is the number one capital project for the County and it is high on everybody's list, I think there was agreement that it would be helpful to have this workshop. The issue we are confronting is the scope of the feasibility study, and I think there are different approaches to the way the scope was written and the way that it was finally written. I think this is the first time we are looking at the scope so it hard to really understand it. I think it would be useful to have some time to look at it but there seems to be fundamental difference in the way the scope of the consultant was outlined. As a result, the answers that some of us might be looking for might be different than from what will be actually presented, unless the scope of the consultant's work is changed. We need to have that discussion but I think it would be useful to kind of probe it a little more and come back to that question.

Chair Furfaro: Mr. Hooser, you have the floor.

Mr. Hooser: I have gone back and forth on this and unless we are clear on what we want to achieve at the workshop, I am hesitant to commit additional County funds, no matter whose Budget it comes out of. If we are clear on what we want to achieve and can achieve, then I will say let us do it because it is a very important project. On Page 12 right below the feasibility study,

item number 3, it does say "identify a short list of potential facilities to be developed based on trade-offs identified through the feasibility study." To me that seems to say "what are our alternatives?" I think that is the fundamental question that is being asked here. Are alternatives being considered? Number 3 says "identify a short list based on trade-offs identified through the feasibility study and trade-offs based on qualitative and qualitative and quantitative comparisons and rely on data developed in other studies, for example, solid waste management to assist in this comparison." It does look like to me from reading this that there should have been a comparison of alternatives, not just a rubber stamp to say, "Yes, this is feasible." I do not know whether the developer, or vendor, or the Administration will agree on that or not, but that does look to me that that should have been part of this Scope of Work. I do not believe—someone can correct me if I am wrong, but we have seen all the financial analysis's that are supposed to be done. I do not know if they are complete yet or not. I do not believe we have seen those. It is hard to measure the quality.

Chair Furfaro: It is hard to measure the crossing point to that.

Mr. Hooser: Yes. Those are my comments. Thank you, Chair.

Chair Furfaro: Larry, I think many of us are in favor of the workshop but we just want to make very clear that the workshop agenda has very specific items that are in the scope from this contractor and what we want to get clarity to, including some of the economic and financial impacts of the options that we want to pursue. Again, I would like to say at this point that we need to send over questions to you that do not have to be finished today but obviously, they have this urgency that we need to focus on. Urgency is the key word. Get it turned around and find when we can have this workshop and take your Department up on the funding for that workshop. We are going to have questions come from all members in one communication. On that note, if there is no more, I would like to say that we have an understanding of where we are going. There is a high probability of this workshop but we need to get very clear on what we want to discuss from centralized to different satellites maybe, and so forth on what has the best economic value for us. Thank you, Larry. Please give this your attention, members, so we can get those comments over quickly.

The motion to receive C 2013-156 for the record was then put, and carried by a vote of 6:0:1 (*Mr. Rapozo was noted as excused*).

Chair Furfaro: Larry, thank you for coming out that other meeting. I believe we have an understanding. Can I have someone from the County Attorney's Office up to read what looks like five (5) Executive Sessions. If we can read them all, Amy, I would appreciate it.

(Mr. Rapozo was noted as present in the Council Meeting at 3:54 p.m.)

There being no objections, the rules were suspended.

EXECUTIVE SESSION:

Ms. Esaki:
Sessions for today.

As the Chair said, we have five (5) Executive

ES-610 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an executive session with the Council to provide the Council with a briefing related to the procurement matter and recommendations as stated in the Management Advisory Report Finding 12-01 "Review Purchasing and Procurement Process of Independent Contractors," and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Chair Furfaro: Let me ask a question. Does that one have any high priority to us?

Ms. Esaki: No, it does not. Unless the Council would like to have it done today?

Chair Furfaro: No, I just want to ask that question in case it gets very late tonight. We probably will address that one last today.

Ms. Esaki: I see.

Chair Furfaro: Just so that we have it out there as an option. Please continue, Amy.

Ms. Esaki: Thank you. The other Executive Sessions are ES-614, ES-615, ES-616, and ES-617.

ES-614 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2), (4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is for the Council to consult with the County Attorney on personnel issues relating to the Office of the County Clerk, including the succession and promotion of individual employees, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-615 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council, to consult with Special Counsel relating to the investigation of personnel matters involving the Office of the County Auditor and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-616 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide Council with a briefing and request for authority to settle the case of Reid Judson v. Norberto Garcia and County of Kaua'i, Fifth Circuit Court Civil No. 12-1-0129 JKW, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-617 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive

Session is to provide Council with a briefing and request for authority to settle the claim against the County submitted by Allstate Insurance Company, as subrogee of Larry Morris, dated September 12, 2012, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

The meeting was called back to order, and proceeded as follows:

Mr. Kagawa moved to convene into Executive Session, seconded by Mr. Rapozo, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: I would also like to make sure I understand that I believe today's business is complete and that we will not need to come back and take action in public on any item. BC, we look forward to seeing you tomorrow at 9:00 a.m. as we reconvene for our Budget pieces. On that note, if we can meet in our Executive Chambers in five (5) minutes I would certainly appreciate it. Today's meeting is adjourned.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:57 p.m.

Respectfully submitted,



JADE FOUNTAIN-TANIGAWA
Deputy County Clerk

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